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Incorporated**

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January 25, 1991

Mr. Steve C. Tribble, Director
Division of Records & Reporting
Florida Public Service Commission
101 E. Gaines Street
Tallahassee, FL 32399-0865

Dear Mr. Tribble:

Re: ~~Docket No. 891194-TL~~
Proposed Tariff Filing by Southern Bell Telephone
and Telegraph Company Clarifying When a Nonpublished
Number Can Be Disclosed and Introducing Caller ID to
Touchstar Service

ACK ✓ Please find enclosed the original and 15 copies of the
AFA _____ Response of GTE Florida Incorporated to Public Counsel's
APP _____ Motion to Strike for filing in the above-referenced
matter.

CAF _____
CMU (circled) Service has been made as indicated on the attached
CTR _____ Certificate of Service. If there are any questions with
EAG _____ regard to this matter, please contact the undersigned at
(813) 228-3087.

LEG 1 Very truly yours,

LIN 6
OPC _____
RCH _____

Thomas R. Parker

SFC 1 TP:tas
WAS _____ Enclosures

OTH _____ RECEIVED & FILED

TB
FDSC-BUREAU OF RECORDS
GTE Florida Incorporated
GTE South I incorporated
A part of GTE Corporation

DOCUMENT NUMBER 00834
00834 JAN 25 1991
FDSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Tariff Filing by)
Southern Bell Telephone and Telegraph) Docket No. 891194-TL
Company Clarifying When a Nonpublished) Filed: 1-25-91
Number Can Be Disclosed and Introducing)
Caller ID to TouchStar Service.)

RESPONSE OF GTE FLORIDA INCORPORATED TO
PUBLIC COUNSEL'S MOTION TO STRIKE

GTE Florida Incorporated ("GTEFL") hereby files its response to the Motion to Strike filed by the Office of Public Counsel ("Public Counsel") on January 18, 1991, in the above-captioned proceeding.

Public Counsel's motion seeks to strike a portion of GTEFL's brief filed in this case on January 11, 1991. Specifically, Public Counsel takes issue with a reference to the direct testimony of Tallahassee Police Chief Melvin L. Tucker. This reference, noting Mr. Tucker's enumeration of examples in which law enforcement has circumvented new technologies or used them to its advantage, appears at page 43, lines 13-22 of GTEFL's brief. Public Counsel is thus incorrect in stating that "[p]age 43, line 14, through 44, line 2 of the brief filed by GTE Florida, Inc., cites the 'Tucker direct testimony at 1-3'" Motion to Strike at 3. In fact, much of the material it asks to be stricken cites testimony of Florida Department of Law Enforcement witness Ronald Tudor, rather than Mr. Tucker's testimony.

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Aside from inaccuracy in reporting the location of the citation to Mr. Tucker's testimony, GTEFL does not understand Public Counsel's rationale underlying the motion. The motion first relates the sequence of events surrounding the Commission's receipt and subsequent distribution of Mr. Tucker's testimony, and provides an account of Public Counsel's communications with the Director of Records and Reporting. Next, Public Counsel recites its construction of the procedural requirements of Fla. Stat. § 350.042 (1990), concerning ex parte communications. Finally, the motion asserts, without elaboration, that these procedural requirements forbid the Commission to consider ex parte documents in its decision-making process.

GTEFL takes no position on Public Counsel's interpretation of the ex parte statute. GTEFL continues to believe, however, that its reference to Mr. Tucker's testimony was appropriate. As Public Counsel's motion points out, the December 11, 1990, memorandum from the Director of Records and Reporting to all parties of record stated specifically that Mr. Tucker's communication "is being made a part of the record in this proceeding...." Motion to Strike at 1, quoting Memorandum of Director of Records and Reporting. Given this unambiguous declaration that Mr. Tucker's testimony had been placed in the record, there is no room to argue that GTEFL's reference to the testimony was in any way improper.

For the foregoing reasons, GTE Florida Incorporated respectfully requests the Commission to deny the Motion to Strike filed by the Office of Public Counsel.

Respectfully submitted this 25th day of January, 1991.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the Response of GTE Florida Incorporated to Public Counsel's Motion to Strike in Docket No. 891194-TL has been furnished by U.S. mail on this 25th day of January, 1991, to the parties on the attached list.



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