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August 5, 1997

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Re: Docket No. 970841-TP  
Complaint of MCI Against GTEFL

Dear Kim:

I was surprised to receive your letter of August 1, 1997 advising us that GTEFL does not intend to respond to the discovery served on it by MCI in this docket on July 25, 1997.

As you know, Commission Rule 25-22.034 permits discovery in accordance with Rules 1.280 through 1.400, Florida Rules of Civil Procedure. There is nothing in either set of rules which authorizes a party to refuse to respond to discovery simply because a motion to dismiss is pending or because the tribunal has not established a procedural schedule.

To the contrary, both Rules 1.340 (interrogatories) and 1.350 (document production) permit discovery to be served on any party with or after service of the initial pleading on that party. Both rules also require responses to such discovery within 30 days, except that a defendant may respond within 45 days after service of the initial pleading.

MCI's complaint was served on July 9, 1997 and its discovery was served on July 25, 1997. Given these dates, GTE's responses are due on August 25, 1997. This is the first business day falling both 30 days after service of the discovery, and 45 days after service of the complaint.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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After you have had a chance to review these rules, please let me know GTEFL's intentions with regard to its discovery responses.

Very truly yours,



Richard D. Melson

RDM/mee

cc: Blanca Bayó (for docket file)  
Martha Carter Brown