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September 19, 1997

Ms. Blanca S. Bayó  
Director, Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket 970841-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of MCI Telecommunications Corporation in the above docket are the original and 15 copies of MCI's Response to GTE Florida Incorporated's Request for Continuance of Issues Identification Workshop.

By copy of this letter this document has been provided to the parties on the attached service list.

Very truly yours,

*Richard D. Melson*

Richard D. Melson

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_ RDM/cc  
CAF \_\_\_\_\_ Enclosures  
cc: Service List

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In re: Complaint of MCI )  
 Telecommunications Corporation )  
 Against GTE Florida, Incorporated, )  
 For Anti-Competitive Practices )  
 Related to Excessive Intrastate )  
 Switched Access Pricing )

Docket No. 970841-TP

Filed: September 19, 1997

**MCI'S RESPONSE TO GTE FLORIDA INCORPORATED'S  
 REQUEST FOR CONTINUANCE OF ISSUES IDENTIFICATION WORKSHOP**

On September 8, 1997, GTE filed a Request for Continuance of Issues Identification Workshop in this matter. MCI opposes GTEFL's request and hereby responds as follows:

MCI Telecommunications Corporation (MCI) filed its Complaint against GTE Florida, Incorporated (GTEFL) for anti-competitive practices on July 9, 1997. In its Complaint, MCI alleged that it was being grossly overcharged by GTEFL for switched access and that GTEFL was using the \$130 million windfall from its access overcharges to engage in anti-competitive behavior, including unfairly locking-in its current local customers and subsidizing its affiliate GTE Long Distance's entry into the long distance market.

MCI requested that the Florida Public Service Commission exercise its jurisdiction under Section 364.3381(3), Florida Statutes, to investigate anti-competitive practices by GTEFL. MCI further requested that the Commission exercise its jurisdiction under Sections 364.3381(3) and 364.01(4)(g), Florida Statutes, to prohibit GTEFL from continuing to engage in these anti-competitive practices.

On July 29, 1997, GTEFL filed its Motion to Dismiss MCI's Complaint alleging that the Commission had no authority over the anti-competitive conduct set forth in MCI's Complaint. As MCI explained in its Response to the Motion to Dismiss, the alleged behavior, if proven to be true, would constitute anti-competitive conduct and this Commission clearly has the authority to prevent anti-competitive conduct. While GTEFL may dispute MCI's allegations at the hearing in this matter, in considering a motion to dismiss, the Commission must assume those allegations to be true.

The Issues Identification Workshop is scheduled to be held September 26, 1997. GTEFL requests that the workshop be postponed until after the Commission rules on GTEFL's pending motion to dismiss. The Commission is scheduled to rule on the motion to dismiss on October 21, 1997. MCI's direct testimony in this matter is due October 24, 1997, a mere three days after the scheduled ruling. If the issues in this matter are not identified until after October 21, 1997, MCI will not be able to meet its current pre-filing deadline.

GTEFL suggests that the workshop be postponed until October 24, 1997, and that MCI's pre-filed testimony be changed to November 7, 1997. While MCI has no objection to postponing the date for pre-filing testimony in this matter, no useful purpose would be served by postponing the issues identification workshop. The sooner issues are identified, the sooner parties will be able to finalize discovery and witness selection. It is worth noting that to date


GTEFL has failed to answer any of MCI's discovery requests. GTEFL has objected to every single interrogatory and data request, forcing MCI to file a motion to compel which is pending before the Prehearing Officer in this matter. One of GTEFL's objections to MCI's discovery was that no issues had yet been identified. GTE Florida Incorporated's Response to First Set of Interrogatories and First Request for Production of Documents, p. 2. While MCI does not believe that this is a valid objection, GTEFL will undoubtedly use any delay in the workshop to attempt to justify its continuing refusal to respond to MCI's discovery requests.

Finally, neither party would be harmed by proceeding with the issue identification on September 26, 1997. While MCI expects that the Commission will deny GTEFL's motion to dismiss, if the Commission's ruling on October 21, 1997, does alter the scope of the hearing, it would be a simple matter to change any identified issues.

For the reasons set forth above, GTEFL's request to postpone the Issue Identification Workshop should be denied.

RESPECTFULLY SUBMITTED this 19th day of September, 1997.

HOPPING GREEN SAMS & SMITH, P.A.

By:   
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and

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ATTORNEYS FOR MCI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by hand delivery this 19th day of September, 1997.

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