

ORIGINAL

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December 3, 1997

VIA HAND DELIVERY

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Ms. Blanca Bayó Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Re: Docket No. 2711271 - In re: Complaint of Robert A. Butterworth, Attorney General, and the Citizens of the State of Florida, by and through Jack Shreve, Public Counsel, against LCI International for slamming David Howe in violation of Rule 25-4.118, F.A.C.

Dear Ms. Bayó:

Enclosed are the original and 15 copies of LCI's Motion to Consolidate to be filed in the above docket.

CK	return to m	e enclosed e. Please	an extra	a copy of me if you	the ab	any	document questions.	for you Thank	to st	tamp for	and your
	assistance.										

Joe Mustother

Joseph A. McGlothlin

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Enclosures

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ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Robert A.

Butterworth, Attorney General, and the Citizens of the State of Florida, by and through Jack Shreve, Public Counsel, against LCI International for slamming David Howe in violation of Rule 25-4.118, F.A.C.

In re: Initiation of show cause proceedings against LCI International Telecom Corp. for violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection

Docket No. 971487-Ti

MOTION TO CONSOLIDATE

LCI International Telecom Corp. ("LCI"), by and through its undersigned counsel, moves for an order consolidating the above dockets, and states:

- In Docket No. 971403-TI, the Office of Public Counsel and the Attorney
 General have filed a complaint alleging that LCI, through its employees or agents,
 changed the PIC of Mr. David Howe without his authorization.
- In Docket No. 971487-TI, the Commission has opened a proceeding in which it intends to investigate allegations that LCI has changed customers' PICs without authorization through the issuance of an order to show cause.

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- 3. The scope of the more general show cause proceeding to be conducted in Docket No. 971487-TI logically will encompass the specific allegations of the complaint filed in Docket No. 971403-TI. Therefore, the facts and circumstances surrounding Mr. Howe's situation will be considered in both.
- 4. In each of the two proceedings, LCI will present evidence regarding LCI's practices and procedures with respect to the marketing of its services, and the policies and procedures LCI has designed to comply with the Commission's requirements.

 The evidence that LCI intends to offer to demonstrate it conducts business in a manner designed to comply with Rule 25-24.118(1), Florida Administrative Code, will be relevant to the broader inquiry in Docket No. 971487-TI.
- 5. Absent consolidation, LCI would be exposed to the possibility of facing a charge of having violated a Commission rule twice for the same factual circumstances. The alternative of excluding Mr. Howe's complaint from the scope of the show cause proceeding would subject the Company to the requirement that it incur the time and expense of defending itself in two proceedings instead of one for no good reason.
- For reasons of fairness, as well as those of economy and efficiency, the above dockets should be consolidated. A single procedural schedule should govern both dockets.

WHEREFORE, LCI requests the Commission to issue an order consolidating Docket Nos. 971403-TI and 971487-TI, and holding the current case schedule in Docket No. 971403-TI in abeyance pending the preparation of a revised procedural schedule governing both dockets.

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Attorneys for LCI International Telecom Corp.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of LCI's foregoing Motion to Consolidate has been furnished by United States mail or hand delivery(*) this 3rd day of December, 1997:

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c/o The Florida Legislature
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