Mark Richard

Attorney At Law

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September 8, 1994

Florida Public Service Commission Division of Records and Reporting 101 East Gaines Street Tallahassee, Florida 32301

> Re: Docket No. #920260-TL

Dear Sir or Madam:

Enclosed please find an original and fifteen (15) copies of my clients' Motion to Compel and my clients' Motion to Reset Hearing and Motion for Clarification with respect to the referenced action. Please file same.

Thank you.

RECEIVED & FILED EPSO-BUREAU CE RECORDS

Sincerely,

Mark Richard

Dictated By Mark Richard But Signed in His Absence To Avoid Delay.

rack Richard / Sos

ewa/psc.5

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Enclosures

DOCUMENT NUMBER-DATE DOCUMENT NUMBER-DATE

09358 SEP 12 #

09359 SEP 12 #

FPSC-RECORDS/REPORTING

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive	e Review of)
the Revenue Requireme	ents and Rate)
Stabilization Plan of	
Telephone and Telegra	aph Company.)
_)

Docket No. 920260-TL

COMMUNICATION WORKERS OF AMERICA'S MOTION TO COMPEL

COMES NOW COMES NOW Locals 3121, 3122 and 3107 Communication Workers of America, AFL-CIO ("CWA"), by and through their undersigned counsel, pursuant to Rule 1.380(a), Florida Rules of Civil Procedure, moves this court for an Order compelling Southern Bell Telephone and Telegraph Company, to produce the records in response to Petitioner's request for production served August 11, 1994 and to compel the taking of Joseph Lacher's deposition, and as grounds therefore alleges:

- 1. Petitioner served its Request for Production and Notice of Taking Deposition within the time proscribed by the PSC's Order Establishing Procedure, Order No. PSC 94-0893-PCO-TL issued July 21, 1994 upon Southern Bell.
- 2. There has been no order rendered by the PSC enlarging or extending of time by which discovery must be completed, although the time, August 24, 1994, has passed.
- 3. Commissioner Clark stated at the Prehearing Conference that discovery would continue despite Commissioner's Clark decision to hold the September 1, 1994 hearing in obeyance until the Supreme Court rendered its decision. (The Supreme Court has mandered its COUNTER NUMBER-DATE

09358 SEP 12#

decision dismissing CWA's appeal.) In addition, the Petitioner requested at the prehearing conference that the discovery time would be adapted so as not to prejudice the parties opportunity for discovery.

- 4. Southern Bell has filed numerous motions in order to prevent the CWA from <u>any</u> discovery in this matter.
- 5. Southern Bell's failure or refusal to respond to the Request for Production and reset the deposition of Joseph Lacher is without substantial justification.
- 6. Petitioner has made all efforts possible to resolve this matter. Southern Bell has failed to respond to any of CWA's offers to resolve these or any other matters.

WHEREFORE, Plaintiff respectfully requests this Court enter an Order compelling Southern Bell to respond to Plaintiff's Request for Production and compel the taking of Joseph Lacher's deposition.

MARK RICHARD, ESQ.

CINDY B. HALLOCK, ESQ.

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Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Compel Production was mailed to those individuals named on the attached distribution list on this And day of September, 1994.

MARK RICHARD, ESQ.

cwa/psc/compel.mot

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