

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

M E M O R A N D U M

August 5, 1993

TO : DIRECTOR OF RECORDS AND REPORTING (TRIBBLE)
FROM : DIVISION OF APPEALS (BELLAK) *RCB DS*
RE : DOCKET NO. 910163-TL - PETITION ON BEHALF OF CITIZENS OF THE STATE OF FLORIDA TO INITIATE INVESTIGATION INTO THE INTEGRITY OF SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S REPAIR SERVICE ACTIVITIES AND REPORTS.

DOCKET NO. 920260-TL + COMPREHENSIVE REVIEW OF THE REVENUE REQUIREMENTS AND RATE STABILIZATION PLAN OF SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.

DOCKET NO. 900960-TL - SHOW CAUSE PROCEEDING AGAINST SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY FOR MISBILLING CUSTOMERS.

DOCKET NO. 910727-TL - INVESTIGATION INTO SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S COMPLIANCE WITH RULE 25-4.110(2), F.A.C.

AGENDA : AUGUST 17, 1993 - CONTROVERSIAL - PARTIES MAY NOT PARTICIPATE

PANEL : FULL COMMISSION

FILE NAME: I:\PSC\APP\WP\900960TL.RCM

CASE BACKGROUND:

In the above-styled consolidated dockets, Public Counsel filed a number of Motions to Compel (and Motions for In-Camera Inspection of Documents) and Southern Bell filed oppositions thereto. During January and February 1993, in-camera inspections were held on voluminous documents which were the subjects of these motions. Though the in-camera inspections were completed at that time and the analyses relevant to the classes of documents presented were

DOCUMENT NUMBER-DATE

08460 AUG-5 93

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set out in Orders Nos. PSC-93-0151-PCO-TL (rev. den. Order No. PSC-93-0292-FOF-TL) and PSC-93-0294-PCO-TL (rev. den. Order No. PSC-93-0517-FOF-TL), it was subsequently discovered that three motions to compel and oppositions were not mentioned specifically in those orders. Accordingly, the attached Order identifies those motions and oppositions and the documents to which each relates:

Public Counsel's Tenth Motion To Compel (filed with supporting Memorandum of Law, December 16, 1992)

Southern Bell's Opposition (filed December 28, 1992)

Public Counsel's Eleventh Motion To Compel (filed December 16, 1992)

Southern Bell's Opposition (filed December 28, 1992)

Public Counsel's Twelfth Motion To Compel (filed December 21, 1992)

Southern Bell's Opposition (filed January 4, 1993)

The first of the above-listed motions concerned statements requested by Public Counsel's 29th request for production of documents, at p. 6, ¶ 1. The second listed motion concerned a 1991 Operational Review Audit, Duane Ward's notes related to employee discipline and Hilda Geer's notes related to employee discipline. These requests are, respectively, items 2, 4 and 5 of Public Counsel's 30th request for production of documents. The third listed motion concerned reports of completed audit in the five audit areas discussed in Order No. PSC-93-0151-PCO-TL. They were requested in Public Counsel's 33rd request for production, p. 1. ¶.

The attached order clarifies that the privilege status of the above documents was evaluated in the two cited prehearing orders, review of which was denied in the two cited Commission orders, as follows:

PSC-93-0151-PCO-TL (rev. den. PSC-93-0292-FOF-TL):

(Section I.A and I.B) network operational review.

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(Section II) reports of completed audit (contained in workpapers).

PSC-93-0294-PCO-TL (rev. den. PSC-93-0517-FOF-TL):

(Section I.A and I.B) statements.

(Section III.A and III.B) Ward/Geer notes.

DISCUSSION OF ISSUES:

ISSUE 1: Should the Commission publish the attached clarifying order?

STAFF RECOMMENDATION: Yes.

STAFF ANALYSIS: The attached order will clarify any remaining uncertainty as to what was covered by the in-camera document review in this docket.

ISSUE 2: Should these consolidated dockets remain open?

STAFF RECOMMENDATION: Yes.

RCB:wlt

900960TL.RCM

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition on Behalf of) DOCKET NO. 910163-TL
Citizens of the State of Florida)
to Initiate Investigation into)
the Integrity of SOUTHERN BELL)
TELEPHONE AND TELEGRAPH)
COMPANY'S Repair Service)
Activities and Reports.)

In Re: Comprehensive Review of) DOCKET NO. 920260-TL
the Revenue Requirements and)
Rate Stabilization Plan of)
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY.)

In Re: Show cause proceeding) DOCKET NO. 900960-TL
against SOUTHERN BELL TELEPHONE)
AND TELEGRAPH COMPANY for)
misbilling customers.)

In Re: Investigation into) DOCKET NO. 910727-TL
SOUTHERN BELL TELEPHONE AND) ORDER NO.
TELEGRAPH COMPANY'S compliance) ISSUED:
with Rule 25-4.110(2), F.A.C.)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER CLARIFYING ORDERS NOS. PSC-93-0292-FOF-TL
AND PSC-93-0517-FOF-TL

By the Commission:

In the above-styled consolidated dockets, Public Counsel filed a number of Motions to Compel (and Motions for In-Camera Inspection of Documents) and Southern Bell filed oppositions thereto. During January and February 1993, in-camera inspections were held on voluminous documents which were the subjects of these motions. Though the in-camera inspections were completed at that time and

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(Section I.A and I.B) network operational review.

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PSC-93-0294-PCO-TL (rev. den. PSC-93-0517-FOF-TL):

(Section I.A. and I.B) statements

(Section III.A and III.B) Ward/Geer notes.

By ORDER of the Florida Public Service Commission, this
_____ day of _____, _____.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

910163#4.mrd

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme

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Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.