

Harris R. Anthony  
General Counsel - Florida

**ORIGINAL  
FILE COPY**  
BellSouth Telecommunications, Inc.  
Museum Tower Building  
Suite 1910  
150 West Flagler Street  
Miami, Florida 33130  
Phone (305) 347-5555

April 8, 1994

Mr. Steve C. Tribble  
Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

920260-TL

Re: Docket No. (910163-TL) - Repair Investigation

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Motion for Return of Documents Held In Camera, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely yours,

*Harris R. Anthony*  
Harris R. Anthony *JRS*

- ACK \_\_\_\_\_
- AFA 1
- APP \_\_\_\_\_
- CSE \_\_\_\_\_
- CML \_\_\_\_\_
- CT \_\_\_\_\_

Enclosures

- cc: All Parties of Record
- LEG 1 A. M. Lombardo
- LIH 6 R. Douglas Lackey

- CPC \_\_\_\_\_
- RCH 1
- SEC 1
- WAS \_\_\_\_\_
- OTH AS 28

DOCUMENT NUMBER-DATE  
03351 APR-8 1994  
FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE**  
**Docket No. 910163-TL**

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this *8<sup>th</sup>* day of *April*, 1994,  
to:

Charles J. Beck  
Assistant Public Counsel  
Office of the Public Counsel  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Tracy Hatch  
Division of Legal Services  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

*Harris R. Anthony (su)*

FLORIDA PUBLIC SERVICE COMMISSION

FILE

In re : Petition on Behalf  
of the 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. 910163-TL

**SOUTHERN BELL'S MOTION FOR  
RETURN OF DOCUMENTS HELD IN CAMERA**

BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell"), pursuant to that certain order of the Florida Supreme Court dated March 10, 1994, in Case Nos. 81,487, 81,716, 81,926 and 82,196, respectfully moves for the return of all documents currently held in camera by the Florida Public Service Commission (the "Commission") in Docket No. 910163-TL. In support of this motion, Southern Bell states:

1. The documents sought by this motion are all Southern Bell documents currently held in camera by the Commission, including those listed on the attached Schedule A. The documents at issue include Southern Bell audits, panel recommendations, statistical analysis, employee statements, summaries of employee statements and human resource worknotes.

2. The documents at issue were tendered by Southern Bell, and reviewed and held in camera by the Commission, solely to resolve issues of privilege arising from motions filed by the Office of the Public Counsel ("OPC") in the above-styled investigatory docket, Docket No. 910163-TL, which was subsequently consolidated into Southern Bell's rate case, Docket No. 920260-TL.

3. Docket No. 910163-TL, the case in which the Commission

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received the documents for in camera review, has, as part of Southern Bell's rate case, been settled and thus resolved with respect to all substantive issues. The Commission issued Order No. PSC-94-0172-FOF-TL approving the settlement on February 11, 1994. Docket No. 910163-TL remained pending thereafter solely because the Supreme Court had jurisdiction of several appeals from that docket under Rule 9.100(c), Florida Rules of Appellate Procedure.

4. The Supreme Court has now issued its final ruling in those appeals, and the time to move for rehearing has expired. Thus all issues have been resolved in the case in which Southern Bell tendered the documents in question for the Prehearing Officer's in camera inspection.

5. The Commission holds none of the documents at issue pursuant to a proper, currently operable discovery request. Nor does the Commission have a current need for those documents. All of the documents in question should therefore be returned to Southern Bell. The Commission may seek further discovery of these documents from Southern Bell, if appropriate, in a proper manner and at an appropriate time.

6. Moreover, the Court's opinion requires the return of most of the documents at issue because they are protected from discovery under the attorney-client privilege or the work product doctrine, or both, as described below.

#### **Panel Recommendations**

7. The Court authorized Southern Bell to redact "any notes, thoughts, or impressions of Southern Bell's counsel that are printed directly on" the panel recommendations. Accordingly,

beyond the fact that the Commission should return all of the documents held in camera for the reason described above, the Commission must return the panel recommendations to allow Southern Bell this opportunity.

#### **Audits**

8. The audits at issue in case 81,487 should be returned since the Commission never obtained them through appropriate discovery procedures, and since the Commission has no current need for them.

#### **Statistical Analysis**

9. Case 81,716 involved a statistical analysis prepared by Southern Bell employee Danny L. King. The Supreme Court held that this document was protected from discovery by the work product doctrine and that no exception to the doctrine applied. Accordingly, this document must be returned to Southern Bell.

#### **Summaries of Employee Statements**

10. Case 81,716 also involved counsel's summaries of statements taken from Southern Bell employees. The Court held that all of the summaries are immune from discovery under the work product doctrine. Thus all summaries must be returned to Southern Bell.

#### **Human Resource Worknotes**

11. Case 81,716 also involved worknotes made by human resource personnel from materials supplied to them by counsel. The Court held that the decision by counsel to share information with their client did not strip the information of its privileged

character. Accordingly, all human resource worknotes are privileged from discovery and must be returned to Southern Bell.

#### **Employee Statements**

12. Finally, case 81,716 also involved written statements taken by Southern Bell's attorneys from various Southern Bell employees. The statements were taken as part of counsel's investigation undertaken for purposes of defending against OPC's allegations in Docket No. 910163-TL. Under the terms of the Supreme Court's order, all of the employee statements at issue are exempt from discovery under both the attorney-client privilege and the work product doctrine.

13. As set forth in the attached affidavits, Southern Bell's in-house attorneys made the determination to interview and take statements from a number of employees in response to the investigatory petition, filed by OPC on February 18, 1991, which led to the opening of Docket No. 910163-TL. Both the decision to interview and take statements from the Southern Bell employees, as well as the determinations of which employees to interview, were made by counsel. It is uncontroverted that counsel's purpose was to investigate and gather facts to enable them to provide legal advice to Southern Bell and to defend against OPC's allegations.

14. Southern Bell's attorneys enlisted Southern Bell's security personnel to assist in scheduling and coordinating interviews between the attorneys and the employees, to assist the attorneys in questioning the employees, and to assist in transcribing the employees' statements.

15. Each and every employee interview subject to the Commission's in camera inspection involved communications from an employee to a Southern Bell attorney. Security personnel were present during the interviews merely to assist the attorney. Thereafter, the security personnel transcribed the substance of the communications, following which the attorneys reviewed the transcription, made amendments with the employees as necessary, and obtained the employees' execution of the statements.

16. As Southern Bell's efforts in defense of OPC's petition broadened, it became necessary to hire outside counsel. Accordingly, many of the employee statements were taken by attorneys from the Miami law firm of Adorno & Zeder, pursuant to the same procedures set forth above. Security personnel continued to assist the outside counsel, as they had the in-house attorneys.

17. Each of the employee statements is clearly consistent with the foregoing, and establishes the fact that each employee engaged in a privileged communication with a Southern Bell attorney.

18. The Court ruled that all statements made by Southern Bell employees to Southern Bell's attorneys were protected by the attorney-client privilege. The attached affidavits of Southern Bell's attorneys conclusively demonstrate that each of the employee statements currently held in camera by the Commission resulted from communications made by Southern Bell's employees directly to Southern Bell's attorneys. Under the terms of the Court's Order, then, each and every one of these employee statements is privileged and must be returned to Southern Bell.

19. The Court also ruled that each of the employee interviews was conducted in anticipation of litigation within the meaning of Rule 1.280, Florida Rules of Civil Procedure. The Court noted:

Pursuant to Florida Rule of Civil Procedure 1.280(b)(3), materials prepared in anticipation of litigation by or for a party or its representative are protected from discovery . . .

Southern Bell Telephone and Telegraph Co. v. Deason, 19 F.L.W. 119, 121 (March 10, 1994). The Court then stated:

[I]t is evident that the employees' interviews with security personnel were directed by counsel in anticipation of litigation . . .

Id. The Court concluded:

Southern Bell has proven that the employee interviews were conducted in anticipation of litigation . . .

Id. This directly refutes the Commission's position during the appeal that the employee statements were not protected work product prepared in anticipation of litigation.

20. Supporting the Court's conclusion in this regard, the attached affidavits conclusively demonstrate that the employee statements were taken in anticipation of litigation, for the purpose of enabling counsel to advise and defend the company with respect to OPC's petition. Moreover, it is apparent from the face of each employee statement that it was taken in anticipation of litigation.

21. Accordingly, as evidenced by the attached affidavits and the statements themselves, and indeed as noted in the Court's opinion, all of the employee statements were taken in anticipation of litigation and are thus protected by the work product doctrine

under Rule 1.280. Since no exception to the work product doctrine is applicable to the statements, they are not subject to discovery and must be returned to Southern Bell.

22. For the reasons stated, Southern Bell respectfully requests that all of the documents currently being held in camera by the Commission, including those listed on the attached Schedule A, be returned to counsel for Southern Bell.

RESPECTFULLY SUBMITTED on this 8<sup>th</sup> day of April, 1994.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

By: Harris R. Anthony  
Harris R. Anthony *HR*

c/o Marshall M. Criser, III  
400 - 150 South Monroe Street  
Tallahassee, FL 32301  
(904) 347-5555

By: R. Douglas Lackey  
R. Douglas Lackey *RL*  
Nancy B. White

4300 - 675 West Peachtree Street  
Atlanta, GA 30375  
(404) 529-5387

**FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition on Behalf  
of the 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. 910163-TL

**AFFIDAVIT OF ROBERT G. BEATTY**

STATE OF FLORIDA )

COUNTY OF DADE )

Before me, the undersigned authority, personally appeared Robert G. Beatty, who, being first duly sworn, deposes and states as follows:

1. My name is Robert Beatty. I am an attorney licensed to practice law in the State of Florida. I am employed as in-house counsel by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell").

2. I have personal knowledge of all facts set forth in this Affidavit.

3. On February 18, 1991, the Office of the Public Counsel ("OPC") filed a petition to initiate an investigation into trouble repair and reporting practices at Southern Bell. This petition was the genesis for investigatory Docket No. 910163-TL before the Florida Public Service Commission (the "Commission"). Joseph Lacher, then president of Southern Bell's Florida operation, requested Southern Bell's legal department, of which I am a member, to provide legal advice and representation in connection with OPC's

petition.

4. Among other things, Southern Bell's in-house legal staff decided to interview and take statements from a number of Southern Bell's employees in connection with OPC's petition. Both the decision to take statements as well as the selection of employees from whom statements would be taken were made by Southern Bell's attorneys. Our purpose was to communicate with our client (i.e. Southern Bell), via its employees, to develop the facts necessary to provide legal advice and representation in connection with OPC's petition.

5. Joseph Lacher, then president of Southern Bell's Florida operation, directed all Southern Bell employees to cooperate with counsel in connection with their investigation.

6. At the time counsel's investigation commenced, it was anticipated that litigation would ensue, and in fact the investigatory docket had already been initiated. Counsel's investigation, including the effort to interview and take statements from employees, was undertaken in anticipation of litigation.

7. The Southern Bell employees from whom statements were taken in anticipation of litigation are identified on the attached schedule A.

8. The legal department enlisted the aid of Southern Bell's security department to assist with the logistics of scheduling and conducting the interviews and transcribing the employee statements.

9. I conducted employee interviews myself and also supervised Southern Bell's other attorneys in their efforts. The other

in-house attorney who interviewed and took statements from employees was J. Phillip Carver. In or around April 1991, Southern Bell retained the Miami law firm of Adorno & Zeder to assist Southern Bell's legal department in its representation of the company. Outside attorneys Cora Molloy, Stephen M. Klimacek, Robyn Mitchell, Rosanne Olmstead and Bernard Coniff were assigned to also interview and take statements from Southern Bell's employees, under my supervision.

10. The employees interviewed by me, and whose statements I took, are identified on the attached schedule B. All of the employee statements identified on the schedule are among the Southern Bell employee statements currently held in camera by the Commission.

11. I devised the following procedure to be followed by all attorneys conducting interviews of Southern Bell employees as part of our investigation:

(a) Each attorney formed a team with three in-house security investigators in order to expedite the process of interviewing the large number of employees involved.

(b) Counsel would interview the first employee together with one investigator. At the conclusion of the interview, the attorney would leave the room to commence the second interview, at which time the investigator would prepare a draft statement for the first employee's signature.

(c) The second investigator would attend and assist the attorney's interview with the second employee, following which

the attorney would leave the room and commence interviewing a third employee while the second investigator prepared a draft statement for the second employee.

(d) After the investigator completed a draft statement for the employee interviewed, the attorney who interviewed that employee would return to the room, review the draft transcription prepared by the investigator, make amendments to the statement with the employee as necessary, and obtain the employee's execution of his or her statement.

This process was followed until the employees had been interviewed by and given a statement to a Southern Bell attorney.

12. All communications in the interviews between the attorneys and Southern Bell's employees, and the statements themselves, were from the Southern Bell employees interviewed to the Southern Bell attorneys who interviewed them. The Southern Bell security department investigators participated simply to assist counsel and help expedite the process.

13. These employees were advised that the attorney represented Southern Bell and was not acting as the attorney for any particular individual. The employees were further advised that the interview was confidential and subject to the company's attorney-client privilege. All employees were requested to maintain the confidentiality of the communications, and agreed to do so.

14. These employees were also informed that their statements might be used as evidence by Southern Bell.

15. My own interviews of the employees identified on the

attached schedule B followed the procedure set forth above.

16. Interviews of the employees identified on the attached Schedule C also followed the procedure set forth above. However, due to an apparent clerical omission, identification of the attorneys who were present at each of these interviews is not possible.

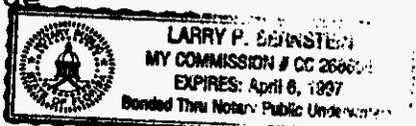
17. The employee statements were at all times treated as confidential by Southern Bell, and were not disclosed to any third parties except for outside counsel and the in camera disclosure to The Commission.

  
Robert G. Beatty, Esquire

Sworn to and subscribed before me  
this 5<sup>th</sup> day of April, 1994.

Personally known [  ]  
Produced Identification [  ]  
Type of Identification \_\_\_\_\_

  
Notary Public State of Florida  
at Large



\_\_\_\_\_  
[Print, type or stamp commissioned  
name of Notary Public

**SCHEDULE A**

Abbott, Leonard F.  
Adams, Annie K.  
Adams, Howard T. Jr.  
Adams, T.J.  
Albert, John R.  
Alderman, Joseph L.  
Amos, Martha E.  
Anderson, Roger M.  
Andrade, Eduardo  
Andrews, Charles P. Jr  
Andrews, Willie L.  
Armel, Cynthia J.  
Armstrong, Linda P.  
Astrauskas, Lawrence J.  
Avis, Russel N.  
Baggett, Ruby B.  
Bailes, Sandra N.  
Bailey, Rebecca J.  
Ballew, Ellen K.  
Balsay, John M.  
Basel, Audrey H.  
Batchelor, Lawrence Edward  
Bates, Ronald  
Beasley, Juanita C.  
Beck, John D.  
Beckham, Allison A.  
Bennett, Mary A.  
Berman, Gregory K.  
Berry Dennis D.  
Bertone, Louis C. Jr  
Bickham, Robert E.  
Bierer, Margaret  
Bilbro, Jan H.  
Bird, Richard  
Bivens, William T.  
Blackman, William J.  
Blair, Kathy C.  
Blake, Sally S.  
Blaney, Nancy M.  
Bloski, Thelma H.  
Blouin, Gerry M.  
Boggs, Susan D.  
Bolena, Denis W.  
Bond, Loretta P.  
Booker, Hampton G.  
Booy, Nellie  
Bourne, Clyde C.  
Bowen, Robert  
Boyle, James J.  
Bradley, Jonah  
Brady, Veronica A.

Brent, Wanda S.  
Brewer, Charlotte L.  
Britten, Maria J.  
Brittle, Sherian D.  
Brockington, Annie  
Brooks, Kae P.  
Brooks, Bertha  
Brotherton, Gertrude S.  
Brown, Iris R.  
Brown, Linda S.  
Brown, William H.  
Browning, Ronald E.  
Bryant, James M.  
Buford, Roy A.  
Bulko, John E. Jr.  
Bullock, Joseph H.  
Burger, Donald B.  
Burns, Beverly B.  
Burns, Susan F.  
Burroughs, Brenda S.  
Bush, Annie C.  
Butts, Warren K.  
Byrd, Larry  
Cadden, Kim E.  
Cadwallader, Norma S.  
Calvert, Cherie B.  
Calvert, Thomas G.  
Campbell, Rosa R.  
Canavan, James J.  
Cannon, Michael L.  
Cannon, Pamela J.  
Cantrell, Margaret B.  
Carhart, Frank Leland  
Carpenter, Ann C.  
Carpenter, Marilyn G.  
Carreno, Manuel  
Carroll, Charles  
Carroll, Gary J.  
Carson, Inez D.  
Casarino, Philip J.  
Cash, Richard E.  
Cashwell, Gary L.  
Cavanuagh, Karen M.  
Chapman, Marvin S.  
Chasteen, Charlie D.  
Chester, Anne M.  
Christian, Rudolph Sr.  
Cius, John M.  
Clark, Francis M.  
Clark, Mary Ann  
Clemons, Edna M.  
Cleveland, Ruby M.

Cody, Sybil O.  
Coffone, Gregory T.  
Cole, Jimmy S.  
Cole, Susan W.  
Coleman, Floyd  
Collamati, Richard P.  
Colosimo, David  
Conner, Terry B.  
Connor, Robert J.  
Copeland, David R.  
Corriveau, Robert W.  
Costa, Cynthia  
Crampton, Thomas  
Crawford, Linda B.  
Crews, Mary J.  
Crittenden, L. Earl  
Crooms, Dorothy W.  
Crosby, Denise E.  
Cueto, Bernardo  
Curren, Dennis A.  
Daugherty, Napoleon J.  
Davis, Beverly A.  
Davis, Chester F.  
Davis, Emma H.  
Davis, Joann B.  
Davis, Joyce M.  
Davis, Melanie  
Davis, Raymond, W.  
Davis, Sandra H.  
Dean, Glennis C.  
Dean, Julia B.  
Dean, John Stanley  
Dennard, Kenneth W.  
Denslow, Gerald D. Jr.  
Dopheide, Walter  
Dorsey, Eddie G.  
Dufresne, Linda W.  
Dugan, Elizabeth S.  
Dukes, Frank M.  
Dunham, Fred C.  
Dunn, Mary H.  
Duran, Jaime L.  
Dyett, Jessie S.  
Eaves, Ollie E.  
Eckhoff, Susan L.  
Edwards, Diane F.  
Edwards, Ruby D.  
Egers, Carol M.  
Elkin, Gail L.  
Ellis, Patricia A.  
England, W.A.  
Etheridge, Mildred N.

Evan, Jacquelynn J.  
Everette, Jimmie C.  
Fairhurst, Mary B.  
Faller, John E.  
Farbarik, William H. Jr.  
Farless, James S.  
Farmer, Laura D.  
Feaganes, Charlotte  
Febus, James T.  
Fecht, Robert M. Jr  
Ferrer, Antonio  
Figler, Leonard A. Jr.  
Fink, Jerry  
Finnegan, John William  
Flanagan, Mary E.  
Floda, Sandra R.  
Flowers, Thomas M.  
Ford, Roberta M.  
Fortner, George W.  
Foutz, Lorna M.  
Fowler, Brenda D.  
Franks, Doris L.  
Fredrick, Donald J.  
Freeman, Dasset  
Freire, Patricia  
French, Ellen S.  
Fundora, Geraldo M.  
Garcia, Virginia  
Gardner, Janet R.  
Gaulding, Wayne R.  
Geiger, Robert F.  
Gillam, Ronald L.  
Giovinazzo, Linda  
Godfrey, Howard K. Jr.  
Goldberg, Diane  
Goode, Charles H.  
Goodholm Carl R.  
Gort, Carol L.  
Gowen, Beverly A.  
Grantham, Helen F.  
Gray, Leslie N.  
Gray, Marjorie S.  
Gray, Pamela J.  
Green, Florida Bell  
Green, Shirley H.  
Griffith, James  
Griffith, Kathryn L.  
Griggs, Jackie  
Guariglia, Pasquale M.  
Guyer, Wendell Curtis Jr.  
Haber, Robert  
Hall, Donald C.

Hall, Dorothy E.  
Haltiwanger William V. Jr  
Hamilton, Carole  
Hamman, Joyce B.  
Hancock, Paul E.  
Hand, Frank Jr.  
Haney, Christina  
Hansberry, Rena B.  
Hantzis, Peggy S.  
Harden, Jackie B.  
Hardiman, Joyce V.  
Hardy, William E. Jr.  
Harker, Wayne D.  
Harmon, Bonnie O.  
Harrell, Brenda M.  
Harris, Frances L.  
Harris, James W.  
Harris, Michael R.  
Harrison, Cora L.  
Hart, Gregory B.  
Hartman, William J. Jr  
Harvey, Franklin D.  
Hastings, Linda L.  
Haugh, Carmen M.  
Hawkins, Shirley F.  
Hebert, Steven D.  
Heilfurth, Doris M.  
Henderson, Linda M.  
Henry, Eileen M.  
Henry, Linda D.  
Hensey, Everett B.  
Herington, Stanley  
Hernandez, Carmen L.  
Herndon, Robert T.  
Herrera, Eddy  
Hice, Howard R. Jr  
Higgins, Bruce W.  
Hill, Carol R.  
Hill, Marsha T.  
Hodges, Kenneth W.  
Hoeltke, Stephen C.  
Hoeltke, Oscar C.  
Holden, Franklin T.  
Horne, Martha A.  
House, Donald L.  
Howarth, Dorothy Ruth  
Huffman, Phyllis C.  
Humphrey, Harold William  
Humphrey, Lela T.  
Hunter, Frederick W. Jr.  
Hurt, Janis L.  
Hurst, John W.

Husfield, Joan L.  
Huston, Connie L.  
Hutchinson, Joe D. Jr  
Isenhour, Linda C.  
Ivy, April  
Jackson, Hal T.  
Jacob, Michael A.  
Jahnke, Walter M.  
James, Jacob Jr  
Janes, Joseph J.  
Jenkins, Carlotta R.  
Jenkins, Thomas Henry  
Johnson, Cheryl Y.  
Johnson, Georgia S.  
Johnson, Glenda W.  
Johnson, Laurie V.  
Johnson, Martha D.  
Johnson, Sharon M.  
Jones, Betty C.  
Jones, Elaine  
Jones, James S.  
Jones, Johnnie C.  
Jones, Michael D.  
Jones, R.G.M.  
Jones, Thomas E.  
Jones, William J.  
Joost, William H.  
Kahle, Sandra C.  
Kassim, Raymond R.  
Kearse, Margaret  
Keating, Timothy R.  
Keefner, Edward A. Jr.  
Keels, James H.  
Kellerman, Theodore C. Jr  
Kellum, Rosco R.  
Kent, Valerie A.  
Kenyon, Linda T.  
Ketchum, Dottie  
Kiddy, Patricia M.  
Kilgore, Evelyn P.  
Kimbrell, Charles C.  
King, John W.  
Kingcade, Carl  
Kings, Laura M.  
Kinne, Raymond W.  
Kirby, Richard W. III  
Klima, Calista  
Klink, Jeffrey C.  
Klipp, Mary C.  
Knight, William R.  
Knowles, Floyd B.  
Knowles, Joanne D.

Koski, Jane  
Kraft, Ronald G.  
Kulick, Mary Lou  
Kummer, Raymond J.  
Kurkowski, Fred  
Ladomirak, Thomas S.  
Land, Robert L.  
Langen, Thomas E.  
LaPorte, Brian  
Lawrence, Rolland B.  
Laws, Dorothy L.  
Lawson, Anthony J.  
Lawson, Margaret A.  
Lee, Carolyn S.  
Lee, Dorothy M.  
Lee, Joyce E.  
Lee, Millard W.  
Lemons, Steven A.  
Lenertz, Robert V.  
Leugers, Josephine  
Lewis, George H.  
Lewis, Mike J.  
Lichner, Phyllis H.  
Liebrich, Geoffrey B.  
Little, Robert  
Little, Robert E.  
Littles, Geraldine H.  
Lobach, David Bruce  
Lockerd, Carla L.  
Lockward, Robert C.  
Lom-Ajan, Sylvia  
Long, John  
Louis, Karen S.  
Lovelace, John H.  
Lovett, Robert T.  
Lowry, Jack E.  
Lubert, Edward Victor, Jr.  
Luongo, Maria G.  
Lyles, James D.  
Lytle, Lynn  
Madden, Robert F.  
Maestri, Georgina A.  
Mainer, George W. Jr.  
Malone, Betty J.  
Malone, Mildred  
Maloy, Twinkle, F.  
Mancusi, Ralph  
Manis, Mary Florence  
Mann, Larry D.  
Maphis, Viola G.  
Marchant, Roger L.  
Marshall, Dennis

Markham, John L.  
Marquis, Douglas S.  
Marsh, Susan K.  
Martin, Nan C.  
Martin, Hubert Jr.  
Maser, Gary L.  
Massey, Clarence T.  
Massey, Perry J. Jr.  
Masuda, Ryan S.  
Mathis, Brenda M.  
Matthews, Kenneth R.  
Maxfield, Nicole  
Maxwell, Rodney B.  
Mayo, Linda F.  
McCagh, John T.  
McCarthy, Karen A.  
McCullough, Ray L.  
McDonough, Kay W.  
McDonough, Russell D.  
McDowell, John R.  
McDuffie, D.C.  
McElwee, Robert T.  
McFarlin, Charles W.  
McGowan, Wendy C.  
McGrory, Michael  
McHale, Mike  
McInnis, Colen D.  
McKeand, Allen Ray  
Mecca, Michael J.  
Melton, Spencer M.  
Melton, John R. Jr.  
Mergelsberg, Earl W.  
Metz, Leon T. Jr.  
Michaud, Patricia L.  
Mieback, William C.  
Mikle, Georgia J.  
Miller, Dorothy L.  
Miller, Gordon  
Miller, Larry W.  
Mills, James S.  
Minahan, Robert R.  
Minerd, Robert A.  
Minkley, Raymond L.  
Minus, Katheleen  
Mirabent, Jose M.  
Mitchell, Mary S.  
Mize, Jacquelyn B.  
Moir, Alexander B.  
Moneypenny, Jack W.  
Moniz, Linda M.  
Montgomery, Raymond L.  
Moore, Betty J.

Moore, Donald E. Jr.  
Moore, George D. Jr.  
Moore, Jerry W.  
Moore, Michael L.  
Morabito, Fred B.  
Moran, Patricia A.  
Morreale, Edward J.  
Morris, William D. III  
Morrison, William S.  
Morse, Geneva K.  
Morse, Roger L.  
Moser, Anthony J.  
Mosley, Sylvia H.  
Moss, Linda C.  
Mott, Karen A.  
Mower, Iris M.  
Muckenfuss, Thomas D.  
Mullins, Gayle D.  
Muniz, Brenda R.  
Munoz, Maria  
Murphy, Patricia O.  
Murray, Peter  
Myers, John L.  
Myers, Michael G.  
Nance, James H.  
Necuze, Chajide  
Nester, Madely T.  
Newsome, Richard W.  
Nichols, Lucinda G.  
Norberg, Mary L.  
Nye, Kenneth W.  
O'Daniel, Edna C.  
Oliver, David  
Ortiz, Carmen R.  
Orton, Steve R.  
Osterhoudt, R.A.  
Owens, Shirley A.  
Paige, Charlotte B.  
Parades, Angel  
Parker, Shirley V.  
Patrognani, Michael A.  
Patroni, Hargis  
Patroni, Samuel G.  
Payne, Wanda F.  
Peacock, Daniel W.  
Peeples, Richard E.  
Pellegrini, Gerard M.  
Perera, Ismael  
Perring, Shirley S.  
Perry, Mary E.  
Perry, William R.  
Phelan, Patricia A.

Phillips, Deborah, E.  
Phillips, Richard  
Pierce, Alton L. Jr  
Pifer, Terri H.  
Piper, J.D.  
Plant, John M.  
Platt, Evelyn L.  
Plott, Beverly F.  
Pope, William R.  
Porter, Donald R.  
Post, Bonnie O.  
Potish, Lawrence P.  
Powers, Richard L.  
Powell, James Scott  
Pulazzo, Rosemary  
Ramage, Carl F.  
Ramsey, James H.  
Reed, Kathleen A.  
Reid, William E.  
Remeo, Charles R.  
Reneer, Mary P.  
Rich, Rachel M.  
Richardson, Ethel H.  
Richmond, Julia H.  
Robak, Nancy G.  
Roberson, James O.  
Roberts, Barbara L.  
Roberts, Ivan S.  
Roberts, Kathryn A.  
Roberts, Therell D.  
Roberts, Valda M.  
Robinson, Susie R.  
Rodriguez, Kathleen A.  
Rollins, Beryl S.  
Romano, Philip M.  
Rorrer, Larry L.  
Rose, Barbara C.  
Rote, Judith R.  
Rugama, Jose A.  
Rupe, Robert R.  
Sainz, John  
Salter, K.M.  
Sanchez, Dee  
Sandifier, John R.  
Sattizahn, Robert B.  
Sauers, Fred L.  
Schena, Donald J.  
Schmoll, Carole  
Sciulli, Albert L.  
Scofield, Timothy  
Scott, Elizabeth  
Scott, Joyce S.

Scruggs, Kenneth R.  
Sedlacek, Henry J.  
Seiler, John W.  
Sellers, John W.  
Shanaver, Frances T.  
Shaw, Stephen A.  
Sheaf, Mark A.  
Shelley, William  
Sheppard, Barbara Jean  
Short, Alice W.  
Simmons, Nolan  
Slattery, Dennis M.  
Smith, Clinton G.  
Smith, Crystal M.  
Smith, Donald R.  
Smith, James D.  
Smith, Reba M.  
Smith, Ronald  
Smoak, Maria  
Snider, Rachel M.  
Sommer, Billie C.  
Sontag, Jerry  
Soto Juan C.  
Soto, Marcie B.  
Sowell, Virginia W.  
Spalding, Anthony H.  
Spence, James R.  
St. Amant, John G.  
St. Lawrence, W. M. Henry, Jr  
Stake, Sara S.  
Staley, Dudley C. III  
Stephens, Martha B.  
Stephens, Harold E.  
Stevens, James H.  
Stewart, Jim W.  
Stewart, Peggy J.  
Stewart, T.D.  
Stoltz, Pamela J.  
Stout, Karen J.  
Stout, Charles R.  
Strait, Julia P.  
Suhar, Frances M.  
Sullivan, Frank J.  
Sutphin, Audrey D.  
Svendsen, David J.  
Swilley, Gary H.  
Syphard, Walter L. Jr.  
Szymczak, Kenneth M.  
Tagner, Eleanor  
Talbert, Marie V.  
Taylor, Prudence F.  
Taylor, Robert Q.

Taylor, T.C.  
Teel, Samuel G.  
Teeters, Osborne, H. Jr.  
Terry, Sandra L.  
Thomas, Daniel N.  
Thomas, J.G.  
Thomas, James H.  
Thomas, Martha B.  
Thomas, Nadine  
Thomas, Tara R.  
Thompson, Paul V.  
Thornton, Barbara F.  
Townsend, Carl L.  
Travis, Cora L.  
Travis, Patricia H.  
Trocchia, Peter J.  
Valdes, Roberto I.  
Vance, Helen M.  
Vanderloop, Robert L.  
Vann, Basil E.  
Villamizar, Theresa  
Violante, Joseph A.  
Vorpe, Joyce S.  
Vought, Helen C.  
Wagner, Paul R.  
Wahl, Bertha  
Walker, Andrew J. III  
Wallace, Miriam C.  
Warner, Leonard E.  
Washington, Lawrence R.  
Washington, Annette A.  
Waters, Mallory K.  
Waters, William L.  
Watson, Roger C.  
Weathersby, Robert E.  
Weaver, Harold R.  
Webster, Robert  
Weinstein, Jay B.  
Wells, Everett E.  
Wells, John A.  
Wells, Robert H.  
Welt, Robert B.  
West, Mae  
White, Cynthia A.  
White, Paul F.  
White, Raymond L.  
Whitehurst, Peggy Joyce  
Whitsett, Roy J.  
Whitson, Douglas P.  
Wicham, Barbara C.  
Wilcox, Derrall R.  
Williams, Edwin E.

Williams, Elizabeth G.  
Williams, Glovine  
Williams, Gussie O.  
Williams, Janice P.  
Williams, Larry W.  
Williams, Richard F.  
Williams, Robert B.  
Williams, William H. Jr  
Willis, Janet R.  
Willis, Joy H.  
Wilson, Gary M.  
Winkel, Wayne A.  
Winter, Marguerite P.  
Wise, Nancy P.  
Witte, A.C.  
Wofford, Patsy B.  
Wood, Leo G.  
Woodard, James A. Jr.  
Woodlief, Louis H.  
Woodruff, David T.  
Wright, Anna Doria  
Wright, Curtis, E.  
Wunder, Mary J.  
Wynn, Clifford  
Wynn, Joan M.  
Zambouros, Peter P.  
Zezulak, Loretta T.

**SCHEDULE B**

Robert M. Fecht Jr.  
Richard Bird  
Clyde C. Bourne  
Jonah S. Bradley  
Wanda S. Brent  
Bertha B. Brooks  
Iris R. Brown  
Pamela J. Cannon  
Ann C. Carpenter  
Manuel Carreno  
Marvin Stephen Chapman  
John M. Cius  
Susan W. Cole  
Terry B. Conner  
Robert J. Connor  
William Morrison  
William D. Morris III  
Patricia A. Moran  
Fred B. Morabito  
Alexander B. Moir  
Kathleen Minus  
James S. Mills  
Earl W. Mergelsberg  
Nicole Maxfield  
Hubert Martin Jr.  
Georgina A. Maestri  
Edward Victor Lubert Jr.  
John Long  
Geraldine H. Littles  
Geoffrey B. Liebrich  
Margaret A. Lawson  
Raymond J. Kummer  
Jane Koski  
Carl Kingcade  
Dorothy A. Ketchum  
Margaret E. Kearse  
Raymond B. Kassim  
Betty C. Jones  
Glenda W. Johnson  
Cheryl Y. Johnson  
Walter M. Jahnke  
April D. Ivy  
Linda C. Isenhour  
Dorothy Ruth Howarth  
Eileen M. Henry

Peggy S. Hantzis  
Christina Haney  
Carole Hamilton  
Florida Bell Green  
Marjorie S. Gray  
Dassett Freeman  
George Fortner  
Antonio Ferrer  
James T. Febus  
Laura D. Farmer  
Diane F. Edwards  
Melanie D. Davis  
Ronald L. Gillam  
Shirley S. Perring  
Ismael Perrera  
Gerard M. Pellegrini  
Shirley V. Parker  
Beverly Plott  
William R. Pope  
Chajide Necuze  
Michael McHale  
Patricia O. Murphy  
Maria C. Munoz  
Sylvia H. Mosley  
Anthony J. Moser  
Anna Doria Wright  
Leo G. Wood  
Roy J. Whitsett  
Mae West  
Everett E. Wells  
Nadine Thomas  
Sandra L. Terry  
T.C. Taylor  
Harold E. Stephens  
Marcie B. Soto  
Juan C. Soto  
Jerry Sontag  
Maria Smoak  
Frances T. Shanaver  
John W. Sellers  
Timothy F. Scofield  
Albert Sciulli  
John R. Sandifer  
John Sainz  
Robert R. Rupe  
Jose A. Rugama

Larry L. Rorrer  
Susie R. Robinson  
Valda M. Roberts  
Cherie B. Calvert  
George H. Lewis  
Prudence F. Taylor  
Ronald P. Bates

**SCHEDULE C**

Ronald P. Bates  
John Long  
Melanie D. Davis  
Kathleen A. Rodriguez  
Robert F. Madden  
Bertha Wahl  
Paul Frederick White  
Denise E. Crosby

**FLORIDA PUBLIC SERVICE COMMISSION**

In re : Petition on Behalf  
of the 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. 910163-TL

**AFFIDAVIT OF J. PHILLIP CARVER**

STATE OF FLORIDA )

COUNTY OF DADE )

Before me, the undersigned authority, personally appeared J. Phillip Carver, who, being first duly sworn, deposes and states as follows:

1. My name is J. Phillip Carver. I am an attorney licensed to practice law in the State of Florida. I am and was at all pertinent times employed as in-house counsel for BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell").

2. I have personal knowledge of all facts set forth in this Affidavit.

3. On February 18, 1991, the Office of the Public Counsel ("OPC") filed a petition to initiate an investigation into trouble repair and reporting practices at Southern Bell. This petition was the genesis for investigatory Docket No. 910163-TL before the Florida Public Service Commission (the "Commission"). Joseph

Lacher, then president of Southern Bell's Florida operation, requested Southern Bell's legal department, of which I am a member, to provide legal advice and representation in connection with OPC's petition.

4. In the course of our efforts to represent the company with respect to Docket No. 910163-TL, I interviewed and took statements from a number of Southern Bell employees. My purpose in this regard was to communicate with my client (i.e. Southern Bell), via its employees, to develop the facts necessary to provide legal advice and representation in connection with the pending docket.

5. I communicated with the Southern Bell employees under the supervision of in-house attorney Robert G. Beatty. At his direction, I followed the following procedure:

(a) I formed part of a team with three in-house security investigators in order to expedite the process of interviewing the large number of employees involved.

(b) I would interview the first employee together with one investigator. At the conclusion of the interview, I would leave the room to commence the second interview, at which time the investigator would prepare a draft statement for the first employee's signature.

(c) The second investigator would attend and assist my interview with the second employee, following which I would leave the room and commence interviewing a third employee while the second investigator prepared a draft statement for the second employee.

(d) After the investigator completed a draft statement for the employee interviewed, I would return to the room, review the draft transcription prepared by the investigator, make amendments to the statement with the employee as necessary, and obtain the employee's execution of his or her statement.

I followed this process for all of the employees with whom I communicated and from whom I took statements.

6. All communications in the interviews between me and Southern Bell's employees, and the statements themselves, were from the Southern Bell employees interviewed to me as counsel for Southern Bell. The Southern Bell security department investigators participated simply to assist me and help expedite the process.

7. All employees were advised that I represented Southern Bell and was not acting as the attorney for any particular individual. The employees were further advised that our interview was confidential and subject to the company's attorney-client privilege. All employees were requested to maintain the confidentiality of the communications, and agreed to do so.

8. All employees were also informed that their statements might be used as evidence by Southern Bell.

9. The employees with whom I communicated and from whom I took statements are identified on the attached schedule A.

10. To the best of my knowledge, the employee statements were at all times treated as confidential and were not disclosed to any

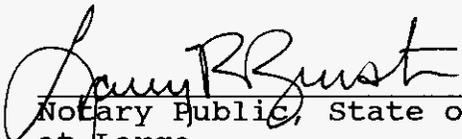
third parties except for outside counsel and the in camera disclosure to the Public Service Commission.

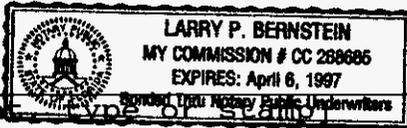
  
\_\_\_\_\_  
J. Phillip Carver, Esq.

Sworn to and subscribed before me  
this 4<sup>th</sup> day of April, 1994.

Personally known.

Produced \_\_\_\_\_

  
\_\_\_\_\_  
Notary Public, State of Florida  
at Large



[Print name of Notary Public Underwriters]  
\_\_\_\_\_  
[Print name of state]

**SCHEDULE A**

Roger Allen Watson  
Leonard E. Warner  
Clinton G. Smith  
James H. Ramsey  
John L. Myers  
George D. Moore Jr.  
Donald E. Moore Jr.  
Donald L. House  
James Dell Griffeth  
Julia Strait  
Nancy Gilstrap Robak  
Carl F. Ramage  
J. D. Piper  
Geneva Morse  
Pat Michaud  
Allen Ray McKeand  
Robert L. Land  
Julia Barlow Dean  
David Colosimo  
Jan H. Bilbro  
Lawrence Edward Batchelor  
Ellen Kennemer Ballen  
Lawrence Rudolph Washington  
T. D. Stewart  
James O. Roberson  
Richard Powers  
Clarence T. Massey  
Mary Francis Mavis  
Janet R. Gardner  
John E. Faller  
Thomas G. Calvert

**FLORIDA PUBLIC SERVICE COMMISSION**

In re : Petition on Behalf  
of the 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. 910163-TL

**AFFIDAVIT OF STEPHEN M. KLIMACEK**

STATE OF FLORIDA )

COUNTY OF DADE )

Before me personally appeared Stephen M. Klimacek, who, being first duly sworn, deposes and states as follows:

1. My name is Stephen M. Klimacek. I am an attorney licensed to practice law in the State of Florida. I was at all pertinent times employed by the Miami law firm of Adorno & Zeder.

2. I have personal knowledge of all facts set forth in this Affidavit.

3. In or around April 1991, our firm was retained to assist in-house counsel in representing BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell"), in connection with proceedings before the Florida Public Service Commission which had been initiated by the Office of the Public Counsel. The proceedings involved an investigation into Southern Bell's trouble repair and reporting practices, and had been assigned Docket No. 910163-TL.

4. In the course of our firm's representation of Southern Bell, I interviewed and took statements from a number of Southern Bell employees. My purpose in this regard was to communicate with

my client, via its employees, to develop the facts necessary to provide legal advice and representation in connection with the pending Docket No. 910163-TL.

5. I communicated with the Southern Bell employees under the supervision of in-house attorney Robert G. Beatty. At his direction, I followed the following procedure:

(a) I formed part of a team with three in-house security investigators in order to expedite the process of interviewing the large number of employees involved.

(b) I would interview the first employee together with one investigator. At the conclusion of the interview, I would frequently leave the room to commence the second interview, at which time the investigator would prepare a draft statement for the first employee's signature.

(c) The second investigator would attend and assist my interview with the second employee, following which I would leave the room and commence interviewing a third employee while the second investigator prepared a draft statement for the second employee.

(d) After the investigator completed a draft statement for the employee interviewed, I would return to the room, review the draft transcription prepared by the investigator, make amendments to the statement with the employee as necessary, and obtain the employee's execution of his or her statement.

I followed this process for all of the employees with whom I communicated and from whom I took statements.

6. All communications in the interviews between me and Southern Bell's employees, and the statements themselves, were from the Southern Bell employees interviewed to me as counsel for Southern Bell. The Southern Bell security department investigators participated simply to assist me and help expedite the process.

7. All employees were advised that I represented Southern Bell and was not acting as the attorney for any particular individual. The employees were further advised that our interview was confidential and subject to the company's attorney-client privilege. All employees were requested to maintain the confidentiality of the communications, and agreed to do so.

8. All employees were also informed that their statements might be used as evidence by Southern Bell.

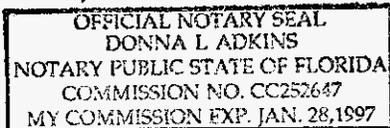
9. The employees with whom I communicated and from whom I took statements are identified on the attached schedule A.

10. To the best of my knowledge, the employee statements were at all times treated as confidential and were not disclosed to any third parties except for outside counsel and the in camera disclosure to the Public Service Commission.

  
Stephen M. Klimacek, Esq.

Sworn to and subscribed before me  
this 4th day of April, 1994.

  
Notary Public, State of Florida  
at Large



[Print, type or stamp]

Personally known.

Produced \_\_\_\_\_

**SCHEDULE A**

John Roy Melton Jr.  
Kay W. McDonough  
Twinkle F. Maloy  
Millard Wayne Lee  
Joyce Eubank Lee  
Dorothy L. Laws  
Sharon Marshall Johnson  
Georgia S. Johnson  
Stanley M. Herrington  
Michael Ray Harris  
William E. Hardy  
Paul Elliott Hancock Jr.  
Beverly Anne Gowen  
Robert Franklin Geiger  
Wayne R. Gaulding  
Doris LaVerne Franks  
Lorna Mae Foutz  
Napoleon Joseph Daughtry  
Dennis A. Curren  
Roy Allen Buford  
Linda Frances Smith Brown  
Robert Allen Bowen  
Loretta P. Bond  
Joseph Lynn Alderman  
Leonard Fred Abbott  
Wayne A. Winkel  
Janet R. Willis  
Robert B. Williams Jr.  
Richard F. Williams  
Joyce S. Vorpe  
Basil E. Vann  
Samuel Gerald Teel  
Frances M. Suhar  
Charles R. Stout  
Peggy J. Stewart  
James Russell Spence  
Joyce S. Scott  
Judith Romaine Rote  
Edna C. O'Daniel  
Raymond L. Minkley  
Evelyn P. Kilgore  
R. G. M. "Buddy" Jones  
Rena B. Hansberry  
Kathryn L. Griffith  
Gerald D. Denslow Jr.  
Mary Jones Crews

David T. Woodruff  
Patsy B. Wofford  
Glovine Williams  
Barbara C. Wichman  
Daniel L. Thomas  
Walter L. Syphard  
Martha B. Stephens  
Philip M. Romano  
Kathryn A. Roberts  
Mary P. Reneer  
Bonnie Oliver Post  
Mary Elizabeth Perry  
Michael L. Moore  
Leon J. Metz Jr.  
Brenda Marie Mathis  
Perry J. Massey Jr.  
Anthony J. Lawson  
Robert Raymond Rupe  
Gary Maser  
Paul White  
R. B. Sattizahn  
P. Guariglia  
R. D. McDonough  
John Sainz  
Harold William Humphrey  
Kenneth W. Hodges  
Bonnie O. Harmon  
Donald C. Hall  
James Scott Powell  
Virginia W. Sowell  
Alton Lloyd Pierce Jr.  
Steve Roger Orton  
Theodore C. Kellerman Jr.  
Joe D. Hutchinson  
Franklin Delano Harvey  
Gregory B. Hart  
Carl Goodholm  
James Joseph Canavan  
William L. Waters  
Malloy Kenneth Waters  
Carl L. Townsend  
James H. Stevens  
Kenneth R. Scruggs  
K. M. Salter  
Shirley K. Perring  
Rodney Brown Maxwell

James D. Lyles  
John H. Lovelace  
Johnnie C. Jones  
James S. Jones  
Jimmie Clyde Everette  
Glennis C. Dean  
Juanita C. Beasley  
Charles Payton Andrews Jr.  
Barbara Jean Sheppard  
Denise E. Crosby  
Linda Moore Moniz  
Curtis E. Wright  
Loretta T. Zezulak  
A. C. Witte  
Paul R. Wagner  
Peter J. Trocchia Jr.  
Deborah E. Phillips  
Iris M. Mower  
Robert A. Miner  
Colen Dwight McInnis  
Robert V. Lenertz  
Roscoe Raymond Kellum Jr.  
Harold Robert Hice Jr.  
Richard P. Collamati  
John Michael Balsay  
Dennis D. Berry  
Lawrence J. Astrauskas  
Martha E. Amos  
Janice P. Williams  
Douglas Paul Whitson  
Paul V. Thompson  
Donald R. Smith  
Gerard M. Pellegrini  
Kenneth Wayne Nye  
Jerry Wayne Moore  
John R. McDowell  
Ray L. McCullough  
Jack E. Lowry  
James H. Keels  
William Hettler Joost  
William V. Haltiwanger Jr.  
Kenneth W. Dennard  
Rudolph Christian Jr.  
Gary L. Cashwell  
Michael L. Cannon  
Denis W. Bolena

**FLORIDA PUBLIC SERVICE COMMISSION**

In re : Petition on Behalf  
of the 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. 910163-TL

**AFFIDAVIT OF ROBYN MITCHELL**

STATE OF FLORIDA )

COUNTY OF DADE )

Before me personally appeared Robyn Mitchell, who, being first duly sworn, deposes and states as follows:

1. My name is Robyn Mitchell. I am an attorney licensed to practice law in the State of Florida. I was at all pertinent times employed by the Miami law firm of Adorno & Zeder.

2. I have personal knowledge of all facts set forth in this Affidavit.

3. In or around April 1991, our firm was retained to assist in-house counsel in representing BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell"), in connection with proceedings before the Florida Public Service Commission which had been initiated by the Office of the Public Counsel. The proceedings involved an investigation into Southern Bell's trouble repair and reporting practices, and had been assigned Docket No. 910163-TL.

4. In the course of our firm's representation of Southern Bell, I interviewed and took statements from a number of Southern Bell employees. My purpose in this regard was to communicate with

my client, via its employees, to develop the facts necessary to provide legal advice and representation in connection with the pending Docket No. 910163-TL.

5. I communicated with the Southern Bell employees under the supervision of in-house attorney Robert G. Beatty. At his direction, I followed the following procedure:

(a) I formed part of a team with three in-house security investigators in order to expedite the process of interviewing the large number of employees involved.

(b) I would interview the first employee together with one investigator. At the conclusion of the interview, I would leave the room to commence the second interview, at which time the investigator would prepare a draft statement for the first employee's signature.

(c) The second investigator would attend and assist my interview with the second employee, following which I would leave the room and commence interviewing a third employee while the second investigator prepared a draft statement for the second employee.

(d) After the investigator completed a draft statement for the employee interviewed, I would return to the room, review the draft transcription prepared by the investigator, make amendments to the statement with the employee as necessary, and obtain the employee's execution of his or her statement.

I followed this process for all of the employees with whom I communicated and from whom I took statements.

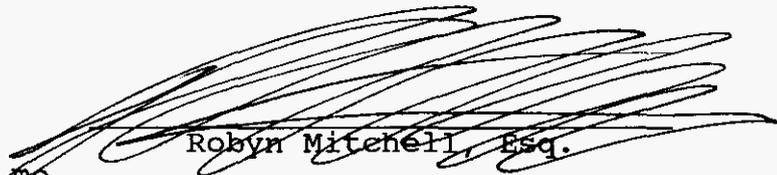
6. All communications in the interviews between me and Southern Bell's employees, and the statements themselves, were from the Southern Bell employees interviewed to me as counsel for Southern Bell. The Southern Bell security department investigators participated simply to assist me and help expedite the process.

7. All employees were advised that I represented Southern Bell and was not acting as the attorney for any particular individual. The employees were further advised that our interview was confidential and subject to the company's attorney-client privilege. All employees were requested to maintain the confidentiality of the communications, and agreed to do so.

8. All employees were also informed that their statements might be used as evidence by Southern Bell in future litigation.

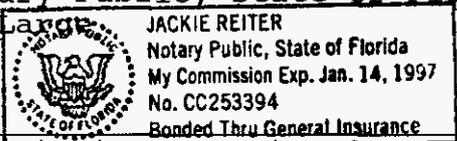
9. The employees with whom I communicated and from whom I took statements are identified on the attached schedule A.

10. To the best of my knowledge, the employee statements were at all times treated as confidential and were not disclosed to any third parties except for outside counsel and the in camera disclosure to the Public Service Commission.

  
Robyn Mitchell, Esq.

Sworn to and subscribed before me  
this 1st day of April, 1994.

Jackie Reiter  
Notary Public, State of Florida

at Largo  
  
Bonder Thru General Insurance

[Print, type or stamp]

Personally known.

Produced \_\_\_\_\_

**SCHEDULE A**

Robert Raymond Rupe  
Peggy Joyce Whitehurst  
Teresa Villamizar  
Cora L. Travis  
Audrey D. Sutphin  
Sara S. Stake  
Rachel Snider  
Beryl Stevens Rollins  
Nancy Gilstrap Robak  
Richard Walton Newsome  
Brenda R. Muniz  
Geneva K. Morse  
Pat L. Michaud  
Wendy McGowan  
Steven A. Lemons  
Dorothy M. Lee  
Carolyn Seeley Lee  
Rolland B. Lawrence  
Laura McCraw Kings  
Joyce Vaughn Hardiman  
Shirley Green  
Carol Gort  
Brenda Davis Fowler  
Ruby D. Edwards  
Linda Wright Dufresne  
Julia Barlow Dean  
Linda B. Crawford  
Marilyn Goddeau Carpenter  
Rosa R. Campbell  
Annie Connor Bush  
Susan Burns  
Veronica Brady  
Jan H. Bilbro  
Sandra Bailes  
T. J. Adams  
James Alexander Woodard  
Martha B. Thomas  
Pamela Jean Stoltz  
Ronald L. Smith  
Terri Henning Pifer  
Clarence T. Massey  
Mary Florence Manis  
Fred C. Kurkowski  
Linda Lou Kenyon  
Linda L. Hastings

Ellen French  
Charlotte Ann Feaganes  
Gail Elkin  
Frank Marion Dukes  
Mary Ann A. Clark  
Annie Brockington  
Mary Jane Wunder  
James A. Thomas  
Dennis Slattery  
Jeffrey Charles Klink  
Donald R. Porter  
Hampton George Booker  
Joy Hoesler Willis  
Larry Wayne Williams  
Andrew Jackson Walker III  
Barbara Furman Thornton  
Karen Judith Stout  
William Henry St. Lawrence Jr.  
Carl F. Ramage  
Lawrence P. Potish  
Thomas David Muckenfuss III  
Mary Shannon Mitchell  
Robert Ryons Minahan  
Larry D. Mann  
Robert L. Land  
Michael D. Jones  
Jacob James Jr.  
Hal Jackson  
Stephen Charles Hoeltke  
Oscar Carlton Hoeltke Jr.  
Bruce Walter Higgins  
Carmen M. Haugh  
William J. Hartman Jr.  
Leslie N. Gray  
Charles Hobart Goode  
Raymond Wilmer Davis  
David Ray Copeland  
David Colosimo  
Warren Keith Butts  
Donald Burton Burger  
Ronald Eugene Browning  
Gertrude S. Brotherton  
Robert E. Bickham  
John David Beck  
Lawrence Edward Batchelor  
Shirley K. Perring

William Randolph Perry  
John Richard Albert  
Jerry Wayne Moore  
T. C. Taylor  
L. Earl Crittenden

**FLORIDA PUBLIC SERVICE COMMISSION**

In re : Petition on Behalf  
of the 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. 910163-TL

**AFFIDAVIT OF CORA MOLLOY**

STATE OF FLORIDA )

COUNTY OF DADE )

Before me, the undersigned authority, personally appeared Cora Molloy, who, being first duly sworn, deposes and states as follows:

1. My name is Cora Molloy. I am an attorney licensed to practice law in the State of Florida. I was at all pertinent times employed by the Miami law firm of Adorno & Zeder.

2. I have personal knowledge of all facts set forth in this Affidavit.

3. In or around April 1991, our firm was retained to assist in-house counsel in representing BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell"), in connection with proceedings before the Florida Public Service Commission which had been initiated by the Office of the Public Counsel. The proceedings involved an investigation into Southern Bell's trouble repair and reporting practices, and had been assigned Docket No. 910163-TL.

4. In the course of our firm's representation of Southern Bell, I interviewed and took statements from a number of Southern Bell employees. My purpose in this regard was to communicate with

my client, via its employees, to develop the facts necessary to provide legal advice and representation in connection with the pending Docket No. 910163-TL.

5. I communicated with the Southern Bell employees under the supervision of in-house attorney Robert G. Beatty. At his direction, I followed the following procedure:

(a) I formed part of a team with three in-house security investigators in order to expedite the process of interviewing the large number of employees involved.

(b) I would interview the first employee together with one investigator. At the conclusion of the interview, I would leave the room to commence the second interview, at which time the investigator would prepare a draft statement for the first employee's signature.

(c) The second investigator would attend and assist my interview with the second employee, following which I would leave the room and commence interviewing a third employee while the second investigator prepared a draft statement for the second employee.

(d) After the investigator completed a draft statement for the employee interviewed, I would return to the room, review the draft transcription prepared by the investigator, make amendments to the statement with the employee as necessary, and obtain the employee's execution of his or her statement.

I followed this process for all of the employees with whom I communicated and from whom I took statements.

6. All communications in the interviews between me and Southern Bell's employees, and the statements themselves, were from the Southern Bell employees interviewed to me as counsel for Southern Bell. The Southern Bell security department investigators participated simply to assist me and help expedite the process.

7. All employees were advised that I represented Southern Bell and was not acting as the attorney for any particular individual. The employees were further advised that our interview was confidential and subject to the company's attorney-client privilege. All employees were requested to maintain the confidentiality of the communications, and agreed to do so.

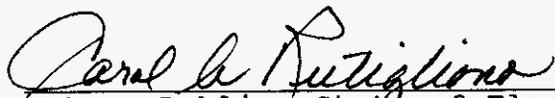
8. All employees were also informed that their statements might be used as evidence by Southern Bell in future litigation.

9. The employees with whom I communicated and from whom I took statements are identified on the attached schedule A.

10. To the best of my knowledge, the employee statements were at all times treated as confidential and were not disclosed to any third parties except for outside counsel and the in camera disclosure to the Public Service Commission.

  
Cora Molloy, Esq.

Sworn to and subscribed before me  
this 4<sup>th</sup> day of April, 1994.

  
Notary Public, State of Florida  
at Large

Personally known.

Produced \_\_\_\_\_

[Print, type or stamp]  
OFFICIAL NOTARY SEAL  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC219250  
MY COMMISSION EXP. AUG. 2, 1996

**SCHEDULE A**

Allison Alexa Beckham  
Juanita C. Beasley  
Rebecca Jean Bailey  
Ruby Bonds Baggett  
John H. Lovelace  
Robert E. Little  
Raymond William Kinne  
Valerie A. Kent  
James S. Jones  
Martha D. Johnson  
John W. Hurst  
Frederick W. Hunter Jr.  
Harold William Humphrey  
Kenneth W. Hodges  
Shirley F. Hawkins  
Bonnie O. Harmon  
Frank Hand Jr.  
Robert Haber  
Helen F. Grantham  
Sandra Randall Floda  
Mary B. Fairhurst  
Mildred Etheridge  
Elizabeth S. Dugan  
Joyce Moon Davis  
Floyd W. Coleman  
Jimmy S. Cole  
Sybil O. Cody  
Francis M. Clark  
William H. Brown  
Thelma Eileen Bloski  
William J. Blackman  
William Thomas Bivens  
Nancy P. Wise  
John Alex Wells Jr.  
William L. Waters  
Mallory Kenneth Waters  
Carl L. Townsend  
J. G. Thomas  
Osborne Herbert Teeters Jr.  
David Jay Svendsen  
James H. Stevens  
John G. St. Amant  
Kenneth R. Scruggs  
Fred L. Sauers  
Therell Donald Roberts

Ethel H. Richardson  
Shirley S. Perring  
Wanda F. Payne  
Samuel G. Patroni  
Hargis Patroni Jr.  
Gayle D. Mullins  
Edward Morreale  
D. C. McDuffie  
Mildred S. Malone  
Leonard E. Warner  
Patricia H. Travis  
Tara R. Thomas  
Gary H. Swilley  
Nolan Simmons  
Barbara C. Rose  
Evelyn L. Platt  
Michael G. Myers  
Jack W. Moneyppenny  
John T. McCagh  
Ryan S. Masuda  
Nan C. Martin  
Roger L. Marchant  
Robert T. Lovett  
Robert C. Lockward  
David Bruce Lobach  
Thomas Henry Jenkins  
Frances L. Harris  
Carl Goodholm  
Thomas M. Flowers  
John William Finnegan  
John Stanley Dean  
Richard P. Collamati  
James J. Canavan  
John E. Bulko Jr.  
James J. Boyle  
Cynthia J. Armel  
Howard T. Adams Jr.  
Laurie Virginia Johnson  
Jackie Griggs

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BELL TELEPHONE AND TELEGRAPH  
COMPANY's Repair Service  
Activities and Reports. /

Docket No. 910163-TL

**AFFIDAVIT OF BERNARD CONIFF**

STATE OF FLORIDA )

COUNTY OF DADE )

Before me personally appeared Bernard Coniff who, being first duly sworn, deposes and states as follows:

1. My name is Bernard Coniff. I am an attorney licensed to practice law in the State of Florida. I was at all pertinent times employed by the Miami law firm of Adorno & Zeder.

2. I have personal knowledge of all facts set forth in this Affidavit.

3. In or around April 1991, our firm was retained to assist in-house counsel in representing BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell"), in connection with proceedings before the Florida Public Service Commission which had been initiated by the Office of the Public Counsel. The proceedings involved an investigation into Southern Bell's trouble repair and reporting practices, and had been assigned Docket No. 910163-TL.

4. In the course of our firm's representation of Southern Bell, I interviewed and took statements from a number of Southern Bell employees. My purpose in this regard was to communicate with

my client, via its employees, to develop the facts necessary to provide legal advice and representation in connection with the pending Docket No. 910163-TL.

5. I communicated with the Southern Bell employees under the supervision of in-house attorney Robert G. Beatty. At his direction, I followed the following procedure:

(a) I formed part of a team with three in-house security investigators in order to expedite the process of interviewing the large number of employees involved.

(b) I would interview the first employee together with one investigator. At the conclusion of the interview, I would leave the room to commence the second interview, at which time the investigator would prepare a draft statement for the first employee's signature.

(c) The second investigator would attend and assist my interview with the second employee, following which I would leave the room and commence interviewing a third employee while the second investigator prepared a draft statement for the second employee.

(d) After the investigator completed a draft statement for the employee interviewed, I would return to the room, review the draft transcription prepared by the investigator, make amendments to the statement with the employee as necessary, and obtain the employee's execution of his or her statement.

I followed this process for all of the employees with whom I communicated and from whom I took statements.

Russell Nelson Avis  
Joan M. Wynn  
Clifford Wynn  
Louis H. Woodlief  
Gary Wilson  
Robert H. Wells  
Jay Barry Weinstein  
James D. Smith  
Mark A. Sheaf  
Ivan Scott Roberts  
John Plant  
Patricia Ann Phelan  
Michael A. Patregnani  
Madelyn T. Nester  
Jacquelynn B. Mize  
Georgia J. Mikle  
William Charles Mieback  
Gary Lee Maser  
Viola Garren Maphis  
Maria Luongo  
Robert Little  
Mary Lou Kulich  
Joanne D. Knowles  
Mary C. Klipp  
Patricia Maureen Kiddy  
Lela T. Humphrey  
Marsha Hill  
Carol R. Hill  
Cora L. Harrison  
Pasquale M. Guariglia  
Virginia Garcia  
Mary Flanagan  
Jacquelyn Evans  
Dorothy W. Crooms  
Edna Maye Clemons  
Kim E. Cadden  
Kae Brooks  
Sherian D. Brittle  
Maria Brittein  
Charlotte L. Brewer  
Margaret Bierer  
Audrey H. Basel  
Annie Katherine Adams  
Ismael Perera  
Janis L. Hurt  
Marguerite Winter

Elizabeth G. Williams  
Kenneth M. Szymczak  
Anthony H. Spalding  
Nancy M. Blaney  
Roger Merle Anderson  
Jim W. Stewart  
Walter Dopheide  
John W. King  
Robert Welt  
Dudley C. Staley III  
John Seler  
Jose M. Mirabent  
Jackie B. Harden  
Jaime Leon Duran  
Eduardo Andrade  
Gussie Owens Williams  
Sandra L. Terry  
Larry L. Rorrer  
Douglas S. Marguis  
Ralph A. Mancusi  
Thomas E. Langen  
Charles C. Kimbrell  
April D. Ivy  
Melanie D. Davis  
Bernardo Cueto  
Charles Carroll  
Angel Paredes  
Charlie David Chasteen  
Gregory K. Berman  
Mary Ann Bennett  
Kathleen A. Rodriguez  
Richard Phillips  
Dorothy E. Hall  
Geraldo M. Fundora  
Philip J. Casarino  
Beverly R. Burns  
William Henry Williams Jr.  
Sandra Carroll Kahle  
Charles Reme  
Robert T. McElwee  
Dennis Marshall  
Ronald Gordon Kraft  
Richard W. Kirby III  
Robert Fecht  
Ronald L. Gillam  
Edward Victor Lubert Jr.

Raymond Kummer  
Manuel Carreno

FLORIDA PUBLIC SERVICE COMMISSION

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COMPANY's Repair Service  
Activities and Reports. /

Docket No. 910163-TL

AFFIDAVIT OF ROSANNE OLMSTEAD

STATE OF FLORIDA )

COUNTY OF DADE )

Before me personally appeared Rosanne Olmstead who, being first duly sworn, deposes and states as follows:

1. My name is Rosanne Olmstead. I am an attorney licensed to practice law in the State of Florida. I was at all pertinent times employed by the Miami law firm of Adorno & Zeder.

2. I have personal knowledge of all facts set forth in this Affidavit.

3. In or around April 1991, our firm was retained to assist in-house counsel in representing BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell"), in connection with proceedings before the Florida Public Service Commission which had been initiated by the Office of the Public Counsel. The proceedings involved an investigation into Southern Bell's trouble repair and reporting practices, and had been assigned Docket No. 910163-TL.

4. In the course of our firm's representation of Southern Bell, I interviewed and took statements from a number of Southern Bell employees. My purpose in this regard was to communicate with

my client, via its employees, to develop the facts necessary to provide legal advice and representation in connection with the pending Docket No. 910163-TL.

5. I communicated with the Southern Bell employees under the supervision of in-house attorney Robert G. Beatty. At his direction, I followed the following procedure:

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(c) The second investigator would attend and assist my interview with the second employee, following which I would leave the room and commence interviewing a third employee while the second investigator prepared a draft statement for the second employee.

(d) After the investigator completed a draft statement for the employee interviewed, I would return to the room, review the draft transcription prepared by the investigator, make amendments to the statement with the employee as necessary, and obtain the employee's execution of his or her statement.

I followed this process for all of the employees with whom I communicated and from whom I took statements.

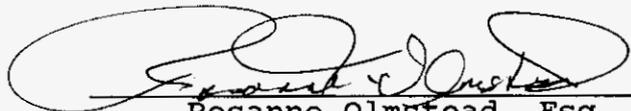
6. All communications in the interviews between me and Southern Bell's employees, and the statements themselves, were from the Southern Bell employees interviewed to me as counsel for Southern Bell. The Southern Bell security department investigators participated simply to assist me and help expedite the process.

7. All employees were advised that I represented Southern Bell and was not acting as the attorney for any particular individual. The employees were further advised that our interview was confidential and subject to the company's attorney-client privilege. All employees were requested to maintain the confidentiality of the communications, and agreed to do so.

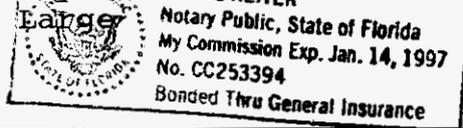
8. All employees were also informed that their statements might be used as evidence by Southern Bell in future litigation.

9. The employees with whom I communicated and from whom I took statements are identified on the attached schedule A.

10. To the best of my knowledge, the employee statements were at all times treated as confidential and were not disclosed to any third parties except for outside counsel and the in camera disclosure to the Public Service Commission.

  
Rosanne Olmstead, Esq.

Sworn to and subscribed before me  
this 4th day of April, 1994.

Jackie  
Notary Public, State of Florida  
at Eggen  


Personally known.  
 Produced \_\_\_\_\_

[Print, type or stamp]

**SCHEDULE A**

Edwin E. Williams  
Helen C. Vought  
Reba M. Smith  
Crystal M. Smith  
William Shelley  
Barbara Roberts  
William E. Reid  
Donald R. Porter  
David E. Oliver  
Peter Murray  
Betty Jean Moore  
Dorothy L. Miller  
Linda Fuller Mayo  
Lynn Lytle  
Floyd B. Knowles  
Elaine Jones  
Phyllis C. Huffman  
Martha A. Horne  
Robert T. Herndon  
Linda M. Henderson  
Doris Heilfurth  
Steven D. Hebert  
Pamela J. Gray  
Leonard A. Figler Jr.  
James D. Farless  
W. A. England  
Carol Marie Egers  
Mary H. Dunn  
Beverly Ann Davis  
Anne M. Chester  
Gerry M. Blouin  
Peter Zambouros  
Raymond L. White  
Harold R. Weaver  
Miriam C. Wallace  
Joseph A. Violante  
Helen Vance  
Marie V. Talbert  
Eleanor M. Tagner  
Alice W. Short  
Julia H. Richmond  
Rosemary Pulazzo  
Richard E. Peeples  
Shirley Owens  
R. Albert Ousterhoudt

Carmen R. Ortiz  
Mary L. Norberg  
Lucinda G. Nichols  
Roger L. Morse  
Raymond L. Montgomery  
Michael J. Mecca  
Michael McGrory  
Karen A. McCarthy  
Susan K. Marsh  
John L. Markham  
George W. Mainer  
Karen S. Louis  
George H. Lewis  
Thomas S. Ladomirak  
Calista M. Klima  
Michael A. Jacob  
Franklin T. Holden  
Brenda Harrell  
Wendell Curtis Guyer  
Linda H. Giovinazzo  
Patricia Freire  
Jerry P. Fink  
Ollie E. Eaves  
Susan Eckhoff  
Fred L. Dunnam  
Saundra H. Davis  
Joann B. Davis  
Thomas Crampton  
Robert W. Corriveau  
Gregory James Coffone  
Ruby M. Cleveland  
Karen M. Cavanaugh  
Inez D. Carson  
Frank Leland Carhart  
Margaret B. Cantrell  
Larry Byrd  
Brenda S. Burroughs  
James M. Bryant  
Susan Diana Boggs  
Kathy C. Blair  
Willie L. Andrews  
William R. Knight  
Joseph H. Bullock  
Louis C. Bertone Jr.  
Eddy Herrera  
Robert E. Weathersby

Roberto I. Valdes  
Dinah D. Sanchez  
Larry Rorrer  
Gordon Miller  
Spencer M. Melton  
K. R. Mathews  
Carlotta Renee Jenkins  
Carmen Hernandez  
Christina Ann Haney  
Margie Gray  
Laura D. Farmer  
Derrall Reynolds Wilcox  
Charlotte Paige  
Silvia Lom-Ajan  
Norma S. Cadwallader  
Linda Armstrong  
Robert Q. Taylor  
Frank J. Sullivan  
Stephen A. Shaw  
James Howard Nance  
Charles W. McFarlin  
Nicole Maxfield  
Georgina Maestri  
Mike J. Lewis  
Raymond K. Kummer  
Jessie S. Dyett  
James A. Woodard  
Daniel W. Peacock