



OFFICE OF THE ATTORNEY GENERAL

DEPARTMENT OF LEGAL AFFAIRS

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

ROBERT A. BUTTERWORTH  
Attorney General  
State of Florida

May 20, 1994

Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

Re: Docket No. 920260-TL, as consolidated

Dear Ms. Bayo:

Enclosed for filing is an original and fifteen copies of the Attorney General's Motion To Strike Southern Bell's Reply To The Attorney General's Response To Southern Bell's Motion For Return Of Documents Held In Camera in this proceeding. One additional copy each of this letter and Petition are enclosed. Please mark them to indicate filing of the originals and return a copy to me. Copies have been served on the parties listed on the attached certificate of service.

Sincerely,

Michael A. Gross  
Assistant Attorney General  
(904) 488-5899

ACK  enclosures

AFA  *foke*  
MAG/cla

APP \_\_\_\_\_

CAF \_\_\_\_\_

CMU  *Norton*

CTR \_\_\_\_\_

EAG \_\_\_\_\_

LEG  *Hutch/w/m* RECEIVED & FILED

LIN  *le* *ICF*

OPC \_\_\_\_\_ FPSC DIVISION OF RECORDS

RCH  *Venson*

SEC  *1*

WAS \_\_\_\_\_

OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

04940 MAY 20 1994

FPSC-RECORDS/REPORTING

**BEFORE THE PUBLIC SERVICE COMMISSION**

In re: Comprehensive review of  
revenue requirements and rate  
stabilization plan of SOUTHERN BELL.  
\_\_\_\_\_ /

DOCKET NO. 920260-TL

In re: Investigation into the integrity of  
SOUTHERN BELL'S repair service  
activities and reports.  
\_\_\_\_\_ /

DOCKET NO. 920260-TL

In re: Investigation into  
SOUTHERN BELL'S compliance with  
Rule 25-4.110(2), F.A.C., Rebates.  
\_\_\_\_\_ /

DOCKET NO. 910727-TL  
CLOSED

In re: Show cause proceeding  
against SOUTHERN BELL for  
misbilling customers.  
\_\_\_\_\_ /

DOCKET NO. 900960-TL  
CLOSED

ATTORNEY GENERAL'S MOTION TO STRIKE SOUTHERN BELL'S REPLY TO THE  
ATTORNEY GENERAL'S RESPONSE TO SOUTHERN BELL'S MOTION FOR RETURN  
OF DOCUMENTS HELD IN CAMERA

The Office of the Attorney General requests that Southern Bell's Reply to Attorney General's Response to Motion for Return of Documents Held in Camera be stricken.

On April 8th, 1994, Southern Bell filed a motion for return of documents held in camera. The documents in question could be determinative of major aspects of the pending case and should not be released without due consideration of the merits of their availability. Therefore, the Office of the Attorney General filed a response to Southern Bell's motion for

return of documents held in camera, on May 2nd, 1994, after requesting leave to respond from the Public Service Commission. The Attorney General's response detailed the reasons why the documents in camera should not be returned to Southern Bell at this time. On May 13, 1994, Southern Bell proceeded to file a reply to the Office of the Attorney General's response with the Public Service Commission.

The procedures for filing motions and responses with the Commission can be found in Rule 25-22.038(2)(b), Florida Administrative Code. Rule 25-22.038(2)(b), provides for filing motions with the Commission. Additionally, other parties involved in the proceeding may respond to motions with memoranda in opposition. F. A. C., r. 25-22.038(2)(b). However, Rule 25-22.038(2)(b) does not authorize a reply to a response to be filed with the Commission, nor did Southern Bell request leave to file a reply. Therefore, Southern Bell's reply to the Attorney General's response was not appropriate and should be stricken.

Dated this <sup>20</sup>~~19~~th day of May, 1994.

Respectfully submitted,

ROBERT A. BUTTERWORTH  
ATTORNEY GENERAL



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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a copy of the foregoing has been furnished by the U.S. Mail this 30<sup>th</sup> day of May 1994 to the following persons:

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