



JACK SHREVE  
PUBLIC COUNSEL

STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400  
904-488-9330

July 23, 1992

Steve Tribble, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0850

ORIGINAL  
FILE COPY

Re: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are the original and 15 copies of Citizens' Seventh Motion to Compel and Request for In Camera Inspection of Documents.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTP \_\_\_\_\_
- EAC \_\_\_\_\_
- ENC \_\_\_\_\_
- LET \_\_\_\_\_
- LIJ \_\_\_\_\_
- OTD \_\_\_\_\_
- RTH \_\_\_\_\_
- SE \_\_\_\_\_
- WBS \_\_\_\_\_
- CIA \_\_\_\_\_

Enclosure

Sincerely,

Janis Sue Richardson  
Associate Public Counsel

RECEIVED & FILED  
  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

08116 JUL 23 1992

FPSC-RECORDS/REPORTS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on behalf of Citizens )  
of the State of Florida to Initiate ) Docket No. 910163-TL  
Investigation into the Integrity of )  
Southern Bell Telephone and Telegraph ) Filed: July 23, 1992  
Company's Repair Service Activities )  
and Reports. )  
\_\_\_\_\_ )

**CITIZENS' SEVENTH MOTION TO COMPEL AND REQUEST  
FOR IN CAMERA INSPECTION OF DOCUMENTS**

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, request the Florida Public Service Commission to compel BellSouth Telecommunications, Inc., ("BellSouth") d/b/a/ Southern Bell Telephone and Telegraph Company to produce each of the documents responsive to the Citizens' twenty-fourth set of requests for production of documents dated June 3, 1992, and to conduct an in camera inspection of all documents and portions of documents withheld by BellSouth Telecommunications based on claims of attorney-client and work product privileges.

**I. Background**

1. On June 3, 1992, Citizens served its twenty-fourth request for production of documents on BellSouth. Item 7 requested the production of the 1991 third quarter audit of the Key Service Results (sic) Indicator [KSRI]. (KSRI stands for Key Service and Revenue Indicator.) Item 8 requested the 1991 third quarter audit of the Loop Maintenance Operations System [LMOS].

Item 9 requested the third quarter audit of the PSC schedule 11. Item 10 requested a "statistical analysis" and any corresponding explanatory material, which was referred to in a document previously produced and identified by BellSouth as having been created by Dan King. Item 11 requested "all similar reports for all other centers in Florida." Citizens discovered that Southern Bell had conducted audits on its KSRI, LMOS, MOOSA, and schedule 11<sup>1</sup> reports and uncovered "significant adverse findings"<sup>2</sup> in the third quarter of 1991.<sup>3</sup>

2. On July 8, 1992, BellSouth filed its response in opposition to Citizens' request. BellSouth objected to each of these requests with a claim that each was covered by the attorney-client and work product privileges. BellSouth also stated its general objection to the definition of the terms "document" and "documents" as defined by Citizens in their request.

---

<sup>1</sup> See Fla. Admin. Code R. 25-4.0185 (requiring telecommunications companies to file schedule 11 reports on a quarterly basis).

<sup>2</sup> See Attachment A to Southern Bell's Opposition to Public Counsel's First Motion to Compel and Request for In Camera Inspection of Documents, filed May 15, 1992. The decision on the motion is still pending.

<sup>3</sup> Motions to produce these same audits are pending in 920260-TL. The KSRI and MOOSA audits have been requested in 910727-TL, and the KSRI audit is the subject of a motion to compel in that docket, filed July 15, 1992. Citizens have filed a motion to compel a response to their interrogatories seeking information from the schedule 11 audit in docket number 910163-TL on July 20, 1992. This motion and a motion to impose a penalty for filing inaccurate information with the Commission, also filed July 20, 1992, are pending.

## II. Relief Requested

3. Pursuant to section 350.0611, Florida Statutes, and Rules 1.280 and 1.350, Florida Rules of Civil Procedure, the Citizens move this Commission to compel Southern Bell to respond in full to the Citizens' twenty-fourth request for production of documents.

4. Public Counsel, as statutory representative of the Citizens of Florida, has the right and obligation to appear in Commission proceedings and to conduct discovery subject to protective orders of the Commission, which are reviewable by the circuit court. Fla. Stat. § 350.0611 (1991).

5. The Citizens believe that the substantial, unwarranted and impermissible withholding of relevant information, if sanctioned by the Commission, will constitute a denial of Citizens' due process rights by preventing the adequate preparation of our case.

## III. BellSouth's Objection to the Definition of "Document" or "Documents"

6. Citizens' twenty-fourth request, as all of their other requests, defined "document" and "documents" as

any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records

and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

Citizens' twenty-fourth production of documents request, p. 5, dated June 3, 1992.

7. BellSouth claims that the definition of document(s) used by Citizens is overbroad and objectionable pursuant to the standards it claims were adopted by the case of Caribbean Sec. Sys. v. Security Control Sys., Inc., 486 So. 2d 654 (Fla. 3d DCA 1986). That case, however, makes no findings about a broad definition of the term "documents". The district court found that the specific requests, not the definition of the term "documents", would cause the company to bring its business activities to a halt if it were required to respond to the requests. Caribbean Sec. Sys., Inc., 486 So. 2d at 656.

8. The term "documents" is commonly written broadly so that a respondent couldn't claim, for example, that a document kept as a computer file or as electronic mail on a corporate E-mail system wasn't a "document". Florida Rule of Civil Procedure 1.350(a) contains a broad definition of the term "document".

9. Moreover, it is particularly incongruous for BellSouth to object to this definition of the term "documents" because it uses virtually the same definition itself in discovery requests it sends to the Office of Public Counsel. See e.g., Southern Bell's third request for production of documents to the Office of Public Counsel, docket 890256-TL, dated January 29, 1990.

10. There is no merit to BellSouth's objection; it should be rejected.

**IV. BellSouth's Claim of Attorney-Client  
and Work Product Privileges**

11. BellSouth objected to answering Citizens' request and consequently withheld the information on the grounds that the documents were protected by the attorney-client and work product privileges. The company has the burden of establishing to the satisfaction of this Commission that the audits and the statistical analysis meet the legal standard for the claim. The attorney-client privilege should be narrowly construed in the regulatory context. See Consolidated Natural Gas Supply Co., 17 F.E.R.C. ¶ 63,048, 65,237-38 (Dec. 2, 1981) (commission's duty to protect the public interest is balanced with protection of a company's interests by a narrow application of the privilege). General conclusory statements will not suffice.

12. The Legislature granted the Commission broad investigatory powers in the performance of its statutory duty to regulate monopoly telephone companies. Fla. Stat. § 364.18 (1991) ("The commission, or any person authorized by the commission, may inspect the accounts, books, records, and papers of any telecommunications company; however, any person, other than a commissioner, who makes a demand for inspection of the books and papers shall produce in writing his authority from the commission."). Discovery proceeds according to the Florida Rules of Civil Procedure. Id. § 364.183(2). "Parties may obtain

discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action. . . ." Fla. R.C.P. 1.280(b)(1) (emphasis added). Privileges are statutorily defined. See Fla. Stat. § 90.502 (attorney-client).

13. Any party resisting discovery may seek a protective order. Id. 1.280(c); Fla. Admin. Code R. 25-22.006. Confidential proprietary business information is exempt from the public records law. Fla. Stat. § 350.121. Internal audits are proprietary confidential business information, which are expressly exempt from the public records law. Id. § 364.183(3)(b).

14. If the document meets the statutory definition of an "internal audit", the Commission may issue a protective order, which would allow the limited production and use of the audit by Citizens. Citizens would have the information they need to prepare their case; BellSouth's business interests would be protected.

15. A "statistical analysis" is an interpretation and presentation of masses of numerical data. As such, its content is comprised of facts not communications. Facts are not privileged. UpJohn v. United States, 449 U.S. 383 (1981). To the extent that the statistical analysis contains legal analysis and opinions that fall within "communications" covered by the privilege, the prehearing officer can order those communications redacted and the document produced. BellSouth must first show that any portion of the document falls within the privilege. On

its face, a statistical analysis, regardless who requests it, does not fall within the attorney-client privilege.

16. The attorney-client privilege does not apply to these business documents and should, therefore, be denied. BellSouth has sole control of the customer trouble reporting data base, the rebate/refund data base and the computer system by which this data is processed and analyzed. Allowing BellSouth the discretion to disclose only that information that is helpful to its case while refusing to disclose that information that is harmful would be a denial of Citizens' due process rights and in contravention to the liberal discovery rules adopted by this Commission.

17. Citizens request this Commission to compel BellSouth immediately to produce the third quarter 1991 audits, the statistical analysis, and all similar documents in other centers in Florida.

#### **A. Attorney-Client Privilege**

18. In Florida, the attorney-client privilege is derived from statute, not common-law. Corry v. Meggs, 498 So.2d 508 (Fla. 1st DCA 1986) (codified at § 90.502, Fla. Stat.), review denied, 506 So. 2d 1042 (Fla. 1987). The statutory privilege for confidential communications does not encompass the work product privilege. City of Williston v. Roadlander, 425 So. 2d 1175 (Fla. 1st DCA 1983) (finding that work product privilege does not preclude access to city hospital's documents subject to disclosure under the public records law). In the absence of



Florida case law on point, state courts may turn to federal decisions as persuasive. Id. at 510.

19. The attorney-client privilege applies to corporations. UpJohn v. United States, 449 U.S. 383, 101 S.Ct. 677, 66 L.Ed. 2d 584 (1981) (holding that communications by UpJohn employees, who were outside the managerial group but who were communicating to the "in-house" counsel at the direction of superiors and whose responses were within their scope of duties, were protected by the attorney-client privilege). The privilege protects the communication not the underlying facts. Id.; In Re: Grand Jury Subpoena Duces Tecum, 731 F.2d 1032, 1037 (2d Cir. 1984) ("[I]t is important to bear in mind that the attorney-client privilege protects communications rather than information; the privilege does not impede disclosure of information except to the extent that that disclosure would reveal confidential communications." citation omitted). "When the ultimate corporate decision is based on both a business policy and a legal evaluation, the business aspects of the decision are not protected simply because legal considerations are also involved." Hardy v. New York News, Inc., 114 F.R.D. 633, 643-44 (S.D.N.Y. 1987).

20. The objecting party has the burden of establishing the existence of the privilege. Hartford Accident & Indemnity Co. v. McGann, 402 So. 2d 1361 (Fla. 4th DCA 1981); International Tel. & Tel. Corp. v. United Tel. Co. of Fla., 60 F.R.D. 177, 184 (M.D. Fla. 1973) (stating that all elements of the privilege must be

proven in order to substantiate a claim).<sup>4</sup> Only if clearly shown does the moving party have to demonstrate need to overcome the privilege. Id. Black Marlin Pipeline Co., 9 F.E.R.C. ¶63,015, 65,085 (Oct. 18, 1979) (applying 'narrow application' of privilege to deny a claim of privilege to an attorney's handwritten notes and memoranda where "advice - generating request for comments was also made to non-lawyer corporate officers.")

21. A final determination of privilege for the internal audits and the statistical analysis must be made by the Commission, not by the party asserting the privilege. The Commission can only determine the existence of a privilege after a careful examination and narrow application of the law to the specific documents in an in camera inspection. Eastern Air Lines, Inc. v. Gellert, 431 So. 2d 329 (Fla. 3d DCA 1983) (directing the trial court to conduct an in camera inspection of documents it had decided, without inspection, were not privileged as a matter of law). "The purpose of this examination is not to determine whether there is good cause to overcome the privilege, but rather to determine whether the items are, as a matter of law and fact, entitled to the privilege at all." International Tel. & Tel.

---

<sup>4</sup> The elements of the attorney-client privilege are: "(1) Where legal advice of any kind is sought (2) from a professional legal adviser in his capacity as such, (3) the communications relating to that purpose, (4) made in confidence (5) by the client, (6) are at his instance permanently protected (7) from disclosure by himself or by the legal adviser, (8) except the protection be waived." International Tel. & Tel. Corp, 60 F.R.D. at 184-85 n.6, quoting 8 Wigmore, Evidence § 2292 at 554 (McNaughton rev. 1961).

Corp. v. United Tel. Co. of Fla., 60 F.R.D. 177, 185 (M.D. Fla. 1973) (emphasis in original).

22. BellSouth did not furnish the information requested by Citizens when making their claim of privilege. Citizens requested the sender, the recipients, the recipients of copies, and the basis upon which the privilege is claimed. This information is requested in order for Citizens and a reviewing tribunal to make an initial determination of whether the privilege applies to the documents or communication in question. The lack of this information mandates an in camera inspection of the audit. See generally Harper v. Auto-Owners Ins. Co., 138 F.R.D. 655, 664-65 (S.D. Ind. 1991).

23. The attorney-client privilege does not apply to documents prepared for a business purpose,<sup>5</sup> to preexisting documents that would have been subject to disclosure when in the possession of the client (client cannot make unprivileged documents privileged by handing them over to his attorney),<sup>6</sup>

---

<sup>5</sup> Skorman v. Hovnanian of Fla., Inc., 382 So. 2d 1376, 1378 (Fla. 4th DCA 1980) (acting as escrowee in real estate transaction would not render communication privileged, but preparation of agreement, which involved legal advice, would).

<sup>6</sup> Paper Corp. of America v. Schneider, 563 So. 2d 1134 (Fla. 3d DCA 1990) (turning over financial records to accountant did not shield records under accountant-client privilege); Tober v. Sanchez, 417 So. 2d 1053, 1055 (Fla. 3d DCA 1982), (finding that employee-prepared internal accident reports, which were subject to disclosure under the public records law, did not become privileged by transferring them to an attorney) review denied, 426 So. 2d 27 (Fla. 1983); Goldberg v. Ross, 421 So. 2d 669 (Fla. 3d DCA 1982) (judgment debtor's trust fund records held by attorney not privileged); but see Briggs v. Salcines, 392 So. 2d 263 (Fla. 2d DCA 1980) (tape recordings, which were privileged in hands of defendant under fifth amendment protection against

when the advice of the attorney is sought in furtherance of a crime or fraud,<sup>7</sup> or to the extent that the attorney acted in a non-legal capacity.<sup>8</sup>

24. The Commission should compel BellSouth to produce the information requested. Internal audits and statistical analyses are routine business procedures designed to evaluate and examine the adequacy and effectiveness of internal controls and the quality of the performance of assigned functions within the company. As such, internal audits and statistical analyses may qualify for proprietary treatment but not qualify as a privilege from discovery. BellSouth produced copies of an internal audit of its Mechanized Out of Service Adjustment [MOOSA] function conducted on October 1989, under a temporary protective order. [Response to Citizens' 7th Production of Documents Request, Item 4, and Staff's 3d Production of Documents Request, Item 7] The MOOSA system handles customer rebates for out-of-service troubles that exceed 24 hours. The third quarter 1991 audits, like their

---

compelled testimony of incriminating nature, were likewise privileged when transferred to attorney), pet. for review denied, 397 So. 2d 799 (Fla.), cert. denied, 454 U.S. 815 (1981).

<sup>7</sup> See Florida Mining & Minerals Corp. v. Continental Cas. Co., 556 So. 2d 518, 519 (Fla. 2d DCA 1990) (prima facie evidence that petitioners affirmatively sought the advice of counsel to procure fraud is prerequisite to invoking crime-fraud exception); see also United States v. Zolin, 491 U.S. 554 (1989) (contents of the documents can be used to support independent evidence of the crime or fraud).

<sup>8</sup> Harper v. Auto-Owners Ins. Co., 138 F.R.D. 655, 671 (S.D. Ind. 1991) (legal advisor also acting as claims adjuster, claims process supervisor, and investigation monitor).

MOOSA predecessor, may qualify for proprietary treatment, but not be privileged.

25. Audits of the company's customer repair and rebate systems, must of necessity examine customer trouble reports, the coding for those reports, and the handling--manual or automatic--of credits to customers' bills. Manifestly, the internal audits<sup>9</sup> contain information relevant to a central issue in this docket: whether Southern Bell employees systematically falsified out-of-service repair records thereby circumventing rebates to customers. If the Commission finds that extraneous communication between the attorney and non-legal employees are so entwined within the audits to render them privileged, then Citizens' move the Commission to order Southern Bell to produce copies with those protected communications redacted. If the information contained in these audits proves this allegation and the Commission finds the documents in their entirety privileged, then Citizens move the Commission to strike any affirmative defense raised on this issue. Fla. Stat. § 90.510 (1991); see Affiliated of Fla., Inc. v. U Need Sundries, Inc., 397 So. 2d 764 (Fla. 2d DCA 1981) (authority to strike defenses relating to claim of attorney-client privilege did not exist under pre-code law).

26. The Loop Maintenance Operations System [LMOS] is the computer system designed to capture an initial customer trouble

---

<sup>9</sup> The company's internal investigation into the issues involved in this case may merit a claim of work product privilege. See Anchor Nat'l Fin. Servs., Inc. v. Smeltz, 546 So. 2d 760 (Fla. 2d DCA 1989) (finding internal investigation into allegation of employee fraud was protected work product).

report. LMOs is activated by a customer calling in a trouble report. This data is processed through linked computer software into a trouble history data base, which is a 500 character line record. This data storage record is accessed by at least two other software programs that generate PSC reports, including the schedule 11s, and the MOOSA adjustments. MOOSA operates at the end of this series of linked computer programs. The rebate adjustment process has a separate series of programs that generate a variety of reports, as well as producing the actual credit on the customer's bill.<sup>10</sup>

27. A Key Service and Revenue Indicators [KSRI] report is a compilation of data, some of which is taken from the customer trouble reporting system.<sup>11</sup> This data is used as a base to award bonus pay to employees. One of the key issues in this

---

<sup>10</sup> See Attachments A - September 1991 MOOSA audit; B - LMOs operating system document produced in response to Citizens' 17th request, items 2 & 3; C - BellSouth CRIS user guide and Revision #3 of Financial systems Documentation (FSD) produced in response to Citizens' 20th request, items 12 & 14; D - trouble report system flow chart produced along with the response to Citizens' 5th request, item 9; E - MOOSA --Florida only--Southern Bell procedures produced in response to Citizens' 7th request, items 4 & 6; F - AT&T Bell Labs program application instructions produced in response to Citizens' 17th request, items 1 & 3. All of these documents were produced under a temporary protective order; therefore, they are attached in sealed envelopes. However, sections of the documents B, C, E and F have been introduced without objection at the May 21, 1992, panel deposition and are now public record.

<sup>11</sup> See Attachment G -- The 1991 BellSouth Key Service and Revenue Indicator Program, produced in response to Citizens' 2d production request, item 1, of docket 910727-TL; and H -- Team Incentive Award Plan, produced in response to Citizens' 2d production request, item 2, of docket 910727-TL. Attachment H at page 308, #5 specifically indicates that KSRI results are used to determine the amount of incentive pay employees receive.

docket is the falsification of customer trouble reports. Any evidence tending to show a motivation to falsify repair records is germane to this issue and is reasonably calculated to lead to admissible evidence.

28. Regulatory reports filed with the Commission are public records. Id. §§ 119.01 & 119.011(1). Schedule 11 reports detailing the customer service quality indicators must be filed with the Commission quarterly. Fla. Admin. Code R. 25-4.0185. Schedule 11s are public records. Any audit of the information contained in a schedule 11 is also public record.

29. Knowingly filing a false report with the Commission is a misdemeanor. Id. § 837.06. Since a company has a legal duty to file correct information with the Commission, it has a legal duty to correct inaccurate information on file with the Commission. Failure to do so once the inaccuracies are uncovered is tantamount to willfully filing a false report. BellSouth has provided, by its own limited response, an admission that at least some of the information contained in the schedule 11s on file with the Commission is inaccurate. See BellSouth's response to the twenty-sixth interrogatory, item 8. BellSouth admitted that it discovered some inaccurate data in their schedule 11 reports pertaining to data submitted from its North Dade and Gainesville operations in 1990. The company's audit, which uncovered inaccuracies in the schedule 11s presently on file with the Commission, must be immediately disclosed. This is information concerning a public record. If the company is permitted to hide

its adverse findings under a broad claim of privilege, then all the information this company has filed with the Commission will be suspect.

30. The statistical report and the internal audits were not communications between auditing/managerial staff and the staff attorney for the purpose of seeking legal advice, but rather written employee (nonattorney) factual analyses of investigations into the company's customer trouble reporting and rebate procedures performed at the request of an attorney. [BellSouth's Responses and Objections to Citizens' 24th Set of Request for Production of Documents and Motion for a Temporary Protective Order, (July 8, 1992)] As such, BellSouth might claim a privilege for work product, but not the attorney client privilege. Specifically, Citizens have need for these internal audits, the statistical analysis, and all other similar reports prepared by the company in the third quarter of 1991.

#### **B. Work Product Privilege**

31. The Supreme Court of Florida has stated that the purpose of the discovery rules is to expedite the search for relevant facts, to facilitate trial preparation, and to assist the court in its search for truth and justice by eliminating gamesmanship, surprise and legal gymnastics as determining factors in litigation. Dodson v. Persell, 390 So. 2d 704 (Fla. 1980) (holding that surveillance films are not privileged when they will be used as evidence or, if the films are unique, when



they are materially relevant and unavailable). The Supreme Court of Florida relied on federal precedent set by the United States Supreme Court decision in Hickman v. Taylor, 329 U.S. 495 (1974) as authority for claims based on the work product privilege. Hence, the work product privilege is derived from judicial rule and state case law, not statute. Fla. R. Civ. P. 1.280(b)(2).

32. The work product doctrine protects an attorney's mental impressions, investigative materials, legal theories, and personal notes from discovery when prepared in anticipation of litigation by an attorney or an employed investigator at the direction of a party. Id.; accord Reynolds v. Hofmann, 305 So. 2d 294 (Fla. 3d DCA 1974) (categorizing attorney's views of the evidence, witnesses, jurors, legal citations, proposed arguments, jury instructions, diagrams and charts as work product). "The general rule for determining whether a document can be said to have been 'prepared in anticipation of litigation' is whether the 'document can fairly be said to have been prepared or obtained because of the prospect of litigation, . . . [and not] in the regular course of business. 8 Wright & Miller, Federal Practice & Procedure: Civil § 2024 (1970)." Carver v. Allstate Ins. Co., 94 F.R.D. 131 (1982); but see Harper v. Auto-Owners Ins. Co., 138 F.R.D. 655, 661-622 n.2 (S.D. Ind. 1991) (disagreeing with the Carver court and concluding that documents prepared for the concurrent purposes of litigation and business "should not be classified as work product").

33. Work product is a more limited privilege than the attorney-client privilege. Work product only gives a qualified immunity from discovery for documents and tangible things prepared in anticipation of litigation by the attorney or at the attorney's request. Proctor & Gamble Co. v. Swilley, 462 So. 2d 1188 (Fla. 1st DCA 1985). The attorney may be required to disclose the existence of privileged material, but not its contents, unless an adverse party shows need and an inability to obtain the materials from other sources without undue hardship. Alachua Gen. Hosp. v. Zimmer USA, Inc., 403 So. 2d 1087 (Fla. 1st DCA 1981) (holding that work product immunity attaching to information in initial wrongful death suit carried forward to subsequent litigation); Fla. R. Civ. P. 1.280(b)(2); accord Transcontinental Gas Pipe Line Corp., 18 F.E.R.C. ¶ 63,043 (Feb. 9, 1982) (finding that materials that were related to the issue, which were prepared at the direction of counsel, were discoverable by the adverse party because the materials could not be duplicated without undue hardship).

34. The objecting party has the burden of first showing the existence of the privilege. Hartford Accident & Indem. Co. v. McGann, 402 So. 2d 1361 (Fla. 4th DCA 1981). Only if clearly shown does the moving party have to demonstrate need to overcome the privilege. Id.; accord Black Marlin supra at 65,088 (material written by non-attorney at request of attorney does not automatically make it privileged work product).

35. BellSouth has failed to demonstrate the existence of the privilege. BellSouth claimed that the attorney-client privilege and the work product privilege protected these four audits and the statistical analysis from discovery because they were done at the request of company attorneys and formed the basis for the attorneys giving legal advice to the company. BellSouth's response at 3-5. BellSouth's conclusory assumption of privilege for these documents will not suffice to support a claim of privilege. No legal authority was cited to support its claim, nor was any explanation as to the contents, creators or recipients of the documents given. Having failed to support its claim of privilege, the only conclusion the prehearing officer can reach is that no privilege exists for the audits or the statistical analysis.

36. The Legislature has provided for an exemption from the public records law for telephone company audits upon a finding that disclosure would harm the utility or ratepayer. Id. § 364.183(3)(b). The Commission should review the documents to determine whether they qualify for this limited privilege. Austin v. Barnett Bank of So. Fla., 472 So. 2d 830 (Fla. 4th DCA 1985) ("Where a claim of privilege is asserted, the trial court should hold an in camera inspection to review the discovery requested and determine whether assertion of the privilege is valid."). If the Commission finds legal conclusions are mixed with facts, it may order the company to produce copies with the legal advice redacted. This safeguards the company's interest

while ensuring Citizens their full due process rights to factual evidence.

37. Florida courts have distinguished between fact and opinion work product. E.g., State v. Rabin, 495 So. 2d 257 (Fla. 3d DCA 1986) (holding that attorney's fact work product was discoverable after the case terminated). "Generally, fact work product is subject to discovery upon a showing of 'need,' whereas opinion work product is absolutely, or nearly absolutely, privileged." Id. at 262; see Levingston v. Allis-Chalmers Corp., 109 F.R.D. 546 (S.D. Miss. 1985) (extending perpetual protection to opinion work product, but not fact work product, used in prior, terminated and unrelated cases).

38. Several exceptions to the work product doctrine exist: (1) opinion work product used by an expert witness in formulating his opinion or testimony is discoverable on the basis of need of the opposing party to prepare for effective cross-examination;<sup>12</sup> (2) materials used by an opposing party to cross-examine or impeach a witness is discoverable to further effective cross-

---

<sup>12</sup> Boring v. Keller, 97 F.R.D. 404 (D. Colo. 1983); Zuberbuhler v. Division of Admin., 344 So. 2d 1304 (Fla. 2d DCA 1977) (permitting discovery of opposing party's expert witness's evidentiary opinions while protecting expert's non-evidentiary opinions promotes fairness through encouraging settlements by exposing both parties strengths and weaknesses and by providing a more thorough examination of expert witnesses for the jury), cert. denied, 358 So. 2d 135 (Fla. 1978); but see Hamel v. General Motors Corp., 128 F.R.D. 281 (D. Kan. 1989) (concluding that opinion work product used by expert in preparation of testimony was not discoverable as the adverse party could not meet the "substantial need" test as the party failed to show that the expert was influenced by the documents in the development of his opinion or preparation for testimony).

examination and rebuttal;<sup>13</sup> (3) work product protection may be waived by disclosure;<sup>14</sup> and documents concurrently created for business purposes are discoverable.<sup>15</sup>

39. Internal audits and statistical analyses are created for business purposes. They are designed to examine and evaluate company practices and procedures with an eye toward improving service and maintaining compliance with Commission rules. As such, they are business documents that cannot be afforded work product protection merely because the company states that they were run as a special request from in-house counsel. See Soeder v. General Dynamics Corp., 90 F.R.D. 253, 255 (D. Nev. 1980) (company's in-house air crash accident report, while prepared in anticipation of litigation, was equally spurred by a desire to improve the quality of its product, to protect future passengers, to avoid adverse publicity, and to promote its own economic interests); cf. Proctor & Gamble Co. v. Swilley, 462 So. 2d 1188, 1193 (Fla. 1st DCA 1985) (scientific and technical documents

---

<sup>13</sup> Mims v. Casademont, 464 So. 2d 643 (Fla. 3d DCA 1985) (holding that reports prepared by experts expected to testify at trial were discoverable).

<sup>14</sup> State v. Rabin, 495 So. 2d 257 (Fla. 3d DCA 1986).

<sup>15</sup> Harper v. Auto-Owners Ins. Co., 138 F.R.D. 655 (S.D. Ind. 1991); see United States v. El Paso Co., 682 F.2d 530 (5th Cir. 1982) (tax pool analysis), cert. denied, 466 U.S. 944 (1984); accord Hardy, 114 F.R.D. at 644 (company's affirmative action plan sent to house counsel); United States v. Gulf Oil Corp., 760 F.2d 292 (Temp. Emer. Ct. App. 1985) (auditors' financial reports prepared pursuant to requirements of federal securities laws); Soeder v. General Dynamics Corp., 90 F.R.D. 253 (D. Nev. 1980) (in-house reports on air crash); Consolidated Gas Supply Corp., 17 F.E.R.C. ¶63,048 (Dec. 2, 1981) (summary of corporation's business practices).

prepared in anticipation of litigation are not disqualified from work product immunity).

40. The attached memo [Attachment I] from H.W. Hay, Assistant Vice President of Network Operations Support, is clear evidence that these audits served BellSouth's business interest. On January 1, 1992, BellSouth instituted a number of changes to the LMOS, MOOSA, and KSRI systems. Mr. Hay's memo provides details of the numerous changes that were made to these systems. It is obvious that the information derived from the audits of the operating system formed the basis of the changes. Schedule 11s are reports prepared to meet mandatory PSC requirements. As such, schedule 11s are also produced for a business purpose. Statistical analyses of BellSouth's customer operations is business motivated. Given BellSouth's business interests, these documents were prepared for ordinary business purposes, and therefore, are discoverable.

41. Citizens have a substantial need for the information contained in these documents and cannot replicate the information.<sup>16</sup> These documents are directly relevant to the issue of the integrity of maintaining customer service quality standards within the context of incentive regulation. As Vice President D.W. Jones indicated in his memo to various vice presidents on August 1, 1991 [Attachment J], changes in the customer trouble reporting system potentially affects the "rate

---

<sup>16</sup> State Farm Mutual Auto. Ins. Co. v. LaForet, 591 So. 2d 1143 (Fla. 4th DCA 1992) (demonstration of need and undue hardship required under Fla. R. Civ. P. 1.280(b)(2)).

stabilization" plans. These documents will provide factual data on the accuracy of the trouble reporting and automatic rebate processes, the accuracy of the amount and timing of customer rebates, the accuracy of the error correction process, and employee motivation to ensure the integrity of the customer service quality reporting system.

42. According to company reports (schedule 11 and 11a)<sup>17</sup> submitted to the Commission, in 1991, BellSouth received 1,643,188 trouble reports. Of those, 670,535 were statused out-of-service. The October 1989 MOOSA audit indicated that over 280,000 adjustments were made in the first eight months of 1989 alone. This data is processed through a complex computer system, which is designed to interact with the customer on initial call-in, with various employees throughout the trouble reporting and rebate process, and at times automatically. This complex system of hardware and software programs comprises linked programs, each of which has its own nest of subprograms and subroutines that massage customer data.

43. Any evidence that bears on the integrity of the LMOS and MOOSA systems is directly relevant to the issue of the integrity of the customer trouble reporting process, PSC schedule 11 reports, and KSRI incentive pay awarded to company employees. BellSouth's own statement that each of these four audits contain

---

<sup>17</sup> BellSouth has admitted that these reports contain inaccurate data. See BellSouth response to Citizens' 26th interrogatories, item 8.

"significant adverse findings" is prima facie evidence that these audits are relevant to this central inquiry.

44. As an indication of the undue hardship Citizens' face in any attempt to reconstruct these internal audits and statistical analysis, we proffer BellSouth's responses to Citizens' and Staff's document requests in Docket No. 910163-TL. Staff's 14th Request for Production of Documents, Item 9, requested "the summaries of each district's monthly billing accounts for residential and business customers showing the total amounts billed by each class and the amounts rebated automatically through MOOSA and manually by each class for January 1, 1988 to the present." BellSouth stated in their objection to this request that:

the billing information for 1989 and 1988 is on microfiche which is kept at each accounting office (Jacksonville & Miami). The microfiche is categorized by revenue accounting classifications in each NNX. Southern Bell would have to manually summarize up to 50 accounting classifications, separating residence and business for each of approximately 850 NNX's. It is estimated that this would require 500 to 600 hours to complete.

BellSouth's response at 13 (Feb. 18, 1992).

45. Citizens' Fifteenth Production of Documents Request, Item number 5, requested "the customer trouble report summaries (E-2700) for all exchanges, districts and areas for January, 1980 to the present." BellSouth "estimated that in order to comply with this request as written, BellSouth would be required to collect approximately 4 linear feet of documents from each IMC and ship them to Tallahassee." BellSouth objected on the grounds



that the request was unduly burdensome. [BellSouth's response to Citizens' 15th document request, page 3]

46. The complexity of BellSouth's system and the enormous amount of data that would have to be compared cannot be handled manually, even if it could be produced in a paper format. The Herculean task of doing so would indeed pose an unnecessary and undue hardship on Citizens. Citizens have attached an affidavit produced by its staff analyst, which factually demonstrates the undue hardship Citizens would have to overcome to reproduce the audit [Attachment K].

47. Since Citizens cannot replicate the data nor the complex interconnected computer programming that is required to produce these audits and statistical analysis of the company's customer repair and rebate process, this Commission should order BellSouth to produce the documents. Citizens further asserts that we need these documents in order to prepare our case. By their very nature, these documents contain factual information that is reasonably calculated to lead to admissible evidence. Citizens need this information in order to prepare cross-examination for company witnesses. Furthermore, withholding the documents would defeat the interest of justice. BellSouth, as the sole proprietor of all the information relevant to this case, cannot be permitted to selectively disclose only those audits that bolster its case, while hiding unfavorable data behind a claim of privilege. To allow a regulated monopoly to dictate what information it will release to its regulatory agency and

statutory consumer advocate would defeat the statutory mandate granted to this Commission by the Legislature.


#### V. Conclusion

48. Citizens assert that BellSouth has failed to meet its initial burden of showing that the attorney-client or work product privileges apply to the documents in question. Internal company audits and statistical analyses contain factual data not legal conclusions or legal advice. Should these audits contain legal analysis, the remedy is to produce copies with those sections redacted, not withhold the entire document.

49. Citizens assert that BellSouth's 1991 third quarter LMOS, MOOSA, KSRI, and PSC schedule 11 audits, Dan King's statistical analysis, and all other similar reports are business documents containing factual information on the processing of customer trouble reports and credits that are directly relevant to a central issue in this case, and as such, are not covered by the attorney-client privilege, nor the more limited work product privilege. A final determination can only be made by the Commission after an in camera review of the documents in question. After this review, the Commission may find that the audits, while not privileged under statute or rule, may be entitled to proprietary treatment. BellSouth should request such treatment under Commission rule 25-22.006, Florida Administrative Code.

WHEREFORE, the Commission should compel BellSouth immediately to produce all documents responsive to Citizens' request.

Respectfully submitted,

  
JACK SHREVE  
Public Counsel  
CHARLES J. BECK  
Deputy Public Counsel  
JANIS SUE RICHARDSON  
Associate Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400

(904) 488-9330

Attorneys for the Citizens  
of the State of Florida

ATTACHMENTS A - F ARE  
INDIVIDUALLY ATTACHED  
IN SEPARATE ENVELOPES

**THESE DOCUMENTS ARE COVERED BY A TEMPORARY PROTECTIVE ORDER UNDER  
COMMISSION RULE 25-22.006, FLORIDA ADMINISTRATIVE CODE.**

**ATTACHMENT G**

**1991 BELLSOUTH KEY SERVICE  
AND REVENUE INDICATOR PROGRAM**

**The 1991  
BellSouth  
Key Service and Revenue Indicator  
Program**

**An Overview of  
the 1991 Indicators  
and Benchmarks**

**BellSouth Services  
Corporate Measurements**

---

	<b>Current results reports</b>	<b>1</b>
<b>The 1991 BellSouth Key Service and Revenue Indicator Program</b>		
	<b>1991 KSRI's and benchmarks Team incentive award opportunities Rounding rules for official results</b>	<b>2</b>
<b>An Overview of the 1991 Indicators and Benchmarks</b>		
	<b>Regional indicator and provisional indicator definitions and descriptions</b>	<b>3</b>
<b>Index to contents</b>		
	<b>Company-selected indicator definitions and descriptions</b>	<b>4</b>
	<b>Notes, discussion aids, and correspondence</b>	<b>5</b>

---

1991 Key Service and Revenue Indicator Program

<u>Indicator</u>	<u>Benchmark</u>	<u>Annual Opportunities</u>
1. Flagship Products and Services Revenue	100% forecast	4
2. Total Business Billed/Booked Revenue	98% forecast	4
3. Billing Quality	80% obj. met	12
4. Special Services Provisioning - IntraLATA	95.0% on time	12
5. Special Services Avg. Duration- Complex	8.0 hrs.	12
- Simple	9.0 hrs.	
6. Total Customer Trouble Report Rate	5.3 rpts/100 lines	12
7. Network Switching Performance	90.0% H&O bands	12
8. Operator Services Answer Performance		
- Toll & Assist.	8.0 sec.	12
9. Business Office Access	80%/30sec./80%	6
10. Interexchange Carrier Service	4 of 5 pts. met	12
11. Residence Customer Satisfaction	90% sat.	36
Service Center	94% sat.	
Installation	91% sat.	
Repair	83% sat.	
12. Small Business Customer Satisfaction	90% sat.	12
13. Medium Business Customer Satisfaction	90% sat.	12
14. Large Business Customer Satisfaction	90% sat.	12
15. Major Business Customer Satisfaction	90% sat.	12
Total Company opportunities:		182
Total State opportunities:		150

Indicators 1,2,14 and 15 are Company level only.

Indicator 9 is provisional for the first six months.

Each component of Residence Customer Satisfaction has a separate floor benchmark. A miss in any floor objective counts as one opportunity lost against the maximum of three opportunities for the Residence indicator in any month.

Company-selected indicators are optional with each BOC and are not included in this list.

NOTICE

Not for use or disclosure outside the BellSouth Corp. except under written agreement



1991

Key Service and Revenue Indicator 11  
Residence Customer Satisfaction

---

Measures: the average percentage of residence TELSAM respondents who indicated that their overall contact with the Residence Service Center, Installation, and Repair services was satisfactory

1990 Benchmark: 90%	1991 Benchmark: 90% Satisfied
	Service Center minimum: 94%
	Installation minimum: 91%
	Repair minimum: 83%

Reported: monthly by State and Company, as a simple average of the three-month results for Residence Service Center (RSC), Installation, and Repair overall satisfaction

Source: TELSAM Residence Service Center, Residence Installation, and Residence Repair questionnaires

Description:

A random, daily sample is drawn from customer initiated service orders (RSC and Installation) and from MTAS trouble reports (Repair). Enough sample is submitted to yield 70 completed interviews per manager group (RSC) or district (Installation and Repair) per month.

The interviewing on each of the questionnaires is conducted by a contracted marketing research firm, Elrick and Lavidge, from the Research Center located in Nashville, Tennessee.

For KSRI reporting, the three-month rolling overall satisfaction results for each of the three TELSAM surveys are averaged for comparison to a single benchmark. This allows the line organizations flexibility in force-sizing and workload distribution, and promotes cooperation in effectively and efficiently meeting customers' service expectations. In order to maintain a proper balance of residence indicator opportunities to business opportunities, the residence indicator carries a monthly weighting factor of three, giving it 36 annual opportunities. Additionally, each overall satisfaction component has a minimum objective level: Residence Service Center - 94%, Installation - 91%, and Repair - 83%. Any of the three components not achieving its minimum objective will score one missed opportunity, to a maximum of three opportunities lost per entity from any combination of failures to meet the floor or overall satisfaction benchmark.

Results are reported monthly for the three questionnaires via the INTEGRIS data bases for management review and action.

NOTICE

Not for use or disclosure outside the  
BellSouth Corp. except under written agreement

1991

Key Service and Revenue Indicator 11  
Residence Customer Satisfaction

---

continued

Summary of changes:

Based on the results of an impact study conducted in the fourth quarter of 1990, certain 12XX repair disposition codes may be added to the base eligible for TELSAM sampling during the 1991 year. These codes cover work done on customers' wiring or equipment at their request.

**NOTICE**

Not for use or disclosure outside the  
BellSouth Corp. except under written agreement

Service and Revenue Indicator 12  
All Business Customer Satisfaction

---

Measures: the average percentage of small business TELSAM respondents who indicated that their overall contact with the Business Service Center, Installation, and Repair services was satisfactory

1990 Benchmark: 90% Satisfied      1991 Benchmark: 90% Satisfied

Reported: monthly by State and Company, as a simple average of the three-month results for Business Service Center (BSC), Installation, and Repair overall satisfaction

Source: TELSAM Business Service Center, Small Business Installation, and Small Business Repair questionnaires

Description:

A random, daily sample is drawn from customer initiated service orders (BSC and Installation) and from MTAS trouble reports (Repair). Enough sample is submitted to yield 70 completed interviews per manager group (BSC) or district (Installation and Repair) per month.

The interviewing on each of the questionnaires is conducted by a contracted marketing research firm, Elrick and Lavidge, from the Research Center located in Nashville, Tennessee.

To deemphasize the impact of small business respondents on the overall KSRI achievement (and the incentive award programs), the individual three-month (rolling average) results for each of the three small business TELSAM surveys are averaged for comparison to a single KSRI benchmark of 90%. Thus, the Small Business Customer Satisfaction indicator will have twelve opportunities against the same number for each of the other business categories.

Results are reported monthly for the three questionnaires via the INTEGRIS data bases for management review and action.

Summary of changes:

Based on the results of an impact study conducted in the fourth quarter of 1990, certain 12XX repair disposition codes may be added to the base eligible for TELSAM sampling during the 1991 year. These codes cover work done on customers' wiring or equipment at their request.

NOTICE

Not for use or disclosure outside the  
BellSouth Corp. except under written agreement

1991

Key Service and Revenue Indicator 13  
Medium Business Customer Satisfaction Plan

---

Measures: the effectiveness, capability, and performance in providing all aspects of telephone service and equipment for medium-size business customers (those with three to nine lines)

1990 Benchmark: 90%

1991 Benchmark: 90%

Reported: monthly by State and Company as a three-month rolling average

Source: summary of completed CSP interviews

Description:

Based on findings from focus group studies with medium business customers, a questionnaire was developed to be administered to a random sample of these customers. The interviews are conducted via telephone by a contracted market research firm, Elrick and Lavidge, Inc., and address service negotiation, provisioning, maintenance, billing, and other topics. The Business Revenue Information System (BRIS) generates the sample from which 100 telephone interviews are completed monthly in each Revenue Accounting Office. Official results for this measurement include responses from customers who purchased or leased telephone equipment from the Operating Company. Results are reported via the regional INTEGRIS data base.

Summary of changes:

A new service quality questionnaire model, developed with BellCore's assistance, will provide the official results. The benchmark will remain at 90% satisfied.

NOTICE

Not for use or disclosure outside the  
BellSouth Corp. except under written agreement

1991

Key Service and Revenue Indicator 14  
Large Business Customer Satisfaction Plan

---

Measures: the effectiveness, capability, and performance in providing all aspects of telephone service and equipment for large business customers (those with ten or more lines generating up to \$80K of annual intraLATA revenue)

1990 Benchmark: 90%

1991 Benchmark: 90%

Reported: monthly at Company level as a three month rolling average

Source: summary of completed CSP interviews

Description:

Based on findings from focus group studies with large business customers, a questionnaire was developed to be administered to a random sample of these customers. The interviews are conducted via telephone by a contracted market research firm, Elrick and Lavidge, Inc., and address service negotiation, provisioning, maintenance, billing, and other topics. The Business Revenue Information System (BRIS) generates the sample from which 350 telephone interviews are completed monthly for each Company. Official results for this measurement include responses from customers who purchased or leased telephone equipment from the Operating Company. Results are reported via the regional INTEGRIS data base.

Summary of changes:

A new service quality questionnaire model, developed with BellCore's assistance, will provide the official results. The benchmark will remain at 90% satisfied.

NOTICE

Not for use or disclosure outside the  
BellSouth Corp. except under written agreement

1991

Key Service and Revenue Indicator 15  
Major Business Customer Satisfaction Plan

---

Measures: the effectiveness, capability, and performance in providing all aspects of telephone service and equipment for major business customers (those generating over \$80K of annual intraLATA revenue, or having ESSX/centrex service with 100 or more stations/central office lines)

1990 Benchmark: 90%

1991 Benchmark: 90%

Reported: April, August and December at Company level

Source: summary of completed CSP questionnaires

Description:

Based on findings from focus group studies with major business customers, a questionnaire was developed to be administered to all customers in this category annually. Elrick and Lavidge conducts personal interviews with customers billing \$250K or more annually; the remaining accounts are surveyed via direct-mail questionnaires. Topics covered include service negotiation, provisioning, maintenance, and billing. Official results for this measurement include responses from customers who purchased or leased telephone equipment from the Operating Company. Results are summarized for each interviewing period at the Company level, and are reported via the regional INTEGRIS data base.

Summary of changes:

A new service quality questionnaire model, developed with BellCore's assistance, will provide the official results. The benchmark will remain at 90% satisfied.

NOTICE

Not for use or disclosure outside the  
BellSouth Corp. except under written agreement

Southern Bell  
Service and Revenue Indicator 17  
Customer Appeals  
(Official 1Q and 2Q91)

---

Measures: the number of Residence and Business customer appeals  
per 10,000 accounts

1990 Benchmark: (table below)      1991 Benchmark: (table below)

	FLA	GA	NC	SC	CO
1st Quarter 90/91	.35/.35	.51/.65	.36/.35	.29/.27	.39/.42
2nd Quarter 90/91	.35/.34	.65/.65	.36/.35	.29/.27	.42/.41
Year-end objective	.37	.65	.36	.30	.43

Reported: quarterly by State and Company, with the provision to  
cancel any interim failures if the cumulative year-end  
objective is met, ending with second quarter results

Source: Regulatory and Written Higher Management  
Appeals Summary (SP002RH) - appeals  
Collection Report (SN511RE,BU) - accounts

Description:

Customer appeals are complaints which have escalated in written  
form to an officer of the Company, or have been received in  
writing or by phone by a regulatory agency. These categories of  
appeals are channeled through the appropriate complaint bureaus in  
each State for resolution with the customer. Monthly summaries  
are forwarded by the bureaus for entry into the regional INTEGRIS  
data base, which generates quarterly KSRI results for each State  
and the Company.

This indicator will be replaced by the Customer Focus indicator  
beginning with third quarter results.

NOTICE

Not for use or disclosure outside the  
BellSouth Corp. except under written agreement

1991 Southern Bell  
Key Service and Revenue Indicator 17  
Customer Focus  
(Official 3Q and 4Q91)

---

Measures: customer perception based on customer appeals per 10,000 accounts, and customers' expectations on accuracy in four market segments: Residence, Small Business (1-2 lines), Medium Business (3-9 lines), and Large Business (10 or more lines).

1990 Benchmark: N/A      1991 Benchmark: 4 components out of 5 meeting objectives

Reported: quarterly by State and Company, based on monthly results (Appeals) and on three-month rolling averages (Expectations), beginning with third quarter results

Source: Customer Appeals: Regulatory and Written Higher Management Appeals Summary (SP002RH) and Collection Report (SN511RE, BU)

Customer Expectations: Residence and Small Business Telsam survey responses, Medium Business (CSP III) and Large Business (CSP II) survey responses

Description:

Customer Focus is a new composite indicator developed to emphasize the importance of doing things right the first time. The customer appeals rate is retained as one of five components. The four additional components measure customer expectations of our ability to perform work accurately.

The appeals objectives vary by State and quarter; the expectations objectives remain constant:

Customer Appeals	FLA	GA	NC	SC	CO
3rd Quarter 91	.39	.65	.41	.37	.46
4th Quarter 91	.40	.65	.35	.30	.45

Customer Expectations	All entities/quarters
Residence	90
Small Business	89
Medium Business	90
Large Business	90

Customer appeals are complaints which have escalated in written form to an officer of the Company, or have been received in writing or by phone by a regulatory agency. These categories of appeals are channeled through the appropriate complaint bureaus in each State for resolution with the customer. Monthly summaries are forwarded by the bureaus for entry into the regional INTEGRIS data base, which generates quarterly KSRI results for each State and the Company.

NOTICE

Not for use or disclosure outside the  
BellSouth Corp. except under written agreement



1991 Southern Bell  
Key Service and Revenue Indicator 17  
Customer Focus  
(Official 3Q and 4Q91)

---

continued

Customer expectations results are segmented into four market groups: Residence, Small Business, Medium Business, and Large Business. Residence and Small Business results are averages of customers' expectations of accurate information and work done correctly the first time, as indicated on three separate surveys (Service Center, Installation, and Maintenance). On the Medium Business and Large Business surveys, results are from a single overall question regarding accuracy.

The expectations results are based on three month rolling averages reported by State and Company from the INTEGRIS data base.

This indicator replaces the Customer Appeals indicator beginning with third quarter results.

**NOTICE**

Not for use or disclosure outside the  
BellSouth Corp. except under written agreement

**ATTACHMENT H**  
**TEAM INCENTIVE AWARD PLAN**

Contract effective  
8-6-89

Doc. # 20

Attachment #1

Appendix B  
Part IV

## TEAM INCENTIVE AWARD PLAN

The Team Incentive Award (TIA) plan is intended to encourage and reward team performance of eligible non-management employees by providing incentive compensation based on corporate service and financial performance.

1. A TIA is an award effective on or before March 7 following the award year. To be eligible for a TIA, an employee must meet the following requirements:
  - a. Be a regular full-time or part-time bargaining unit employee (either on active or ADL, Care of Newborn Child, or Union leave of absence status *for 9 months or less*) as of December 31 of the Award Year (*except as noted in "c" below*).
  - b. Held a participating title of the bargaining unit for three full months during the Award Year.
  - c. *Employees who meet the requirements of "a" and "b" above and leave the bargaining unit during the award year will be entitled to an "in lieu of" payment as described in paragraph 10.*
2. Awards under the Plan are based on achievement of corporate financial and service objectives over an award (calendar) year period. For each award year, a standard award for each participating non-management employee will be determined. The standard award will be the greater of 2.0% of an employee's total earnings (basic wages plus overtime) during the award year, or 2.0% of the employee's December 31 basic wage rate times 52.2. An amount ranging from 0 - 225% of the standard award may be earned by an eligible employee depending on the performance of his Company during the award year. The award years will be 1989, 1990 and 1991.
3. Prior to the beginning of the award year, the Company will review the Corporate financial and service objectives used for the determination of awards with the Union. This review will be with the Vice President-CWA, District 3 and will be conducted by the BellSouth Vice President-Corporate Human Resources, the

**Appendix B**  
**Part IV**

---

BellSouth Vice President-Employee Relations and Benefits, the BellSouth Services Vice President responsible for Key Service and Revenue Indicators, and the BellSouth Vice President-Senior Financial Officer. The purpose of this review will be to assure the Union an opportunity to discuss these objectives and measurements with those responsible for recommending them to the Corporate officers for Board approval.

4. Following Board approval, the Company will not adjust the financial or service objectives computation without prior notification and review with the Union.
5. The actual TIA will be computed as follows:  

Determine the percent award from the award matrix using overall Company results for percent net income commitment met and Company percent of KSRI opportunities met.
6. If, during the award year, an employee holds assignments in more than one BellSouth company which offers the TIA plan pursuant to a collective bargaining agreement with the Communications Workers of America, the award amount will be based on the number of months completed in each *Company* during the award year.
7. The amount of time an employee is absent during an award year due to an approved ADL, Care of Newborn Child, or Union leave of absence is counted as time worked when determining the months performance in the award year. The TIA will be paid on the normal payment date to these employees regardless of whether they have returned to work on the effective date of the award.
8. The amount of time an employee is absent during an award year due to an approved leave of absence (other than ADL, Care of Newborn Child, or Union) will not be counted as time worked when determining the months completed in the award year. However, the initial 30 days of such an absence will count as time worked. The employee will receive a prorated award based on the number of full months worked .
9. TIA's are paid annually as lump sum payments on *or before* March 7 following each award year, and will be rounded up to the nearest \$25.00.

Appendix B  
Part IV

---

10. *If an employee terminates employment with Southern Bell during the award year and is not immediately re-employed by another BellSouth company which offers the TIA pursuant to a collective bargaining agreement with CWA, and such employee has 3 or more months of eligible service during the award year, he will be paid an "in lieu of" payment. This payment will be calculated by using the standard award for the year times year-to-date basic wages plus overtime.*
11. Team Incentive Awards are subject to state and local taxes, federal income tax and Social Security tax at the time of payment. Deductions for union dues will be made from eligible employee payments as authorized by the employee and Union. Personal allotments, such as Savings Bonds and United Way, and savings account deductions, such as Credit Union or the BellSouth Savings and Security Plan, will not be made.

ATTACHMENT I  
H.W. HAY MEMO



file code: 010.1600

subject: Standards and Procedures - Customer and Employee Trouble Reports

type: Administrative Guidelines - Region Policy

date: December 31, 1991

distribution list:

file [

related letters: None

other: None

to: General Managers - Operations  
Operations Managers - Implementation Support

entities: BellSouth Telecommunications - North, Central, South

from: H. W. Hay, Assistant Vice President - Network Operations Support  
D. L. King, Assistant Vice President - CO Operations Support

description: This letter provides regional standards and procedures for the handling of customer and employee trouble reports. These standards and procedures are region policy and will be strictly enforced.

★ ★ ★

Questions regarding this subject should be referred to your respective staff contact. Questions from the Operations Staff may be directed to Hugh Jones or Phil Peterson, BellSouth Telecommunications IMC Support, and Johnny Blocker or Jim Stewart, BellSouth Telecommunications Special Services Support.

H. W. Hay  
Assistant Vice President -  
Network Operations Support

D. L. King  
Assistant Vice President -  
CO Operations Support

Attachment

NOTICE

Not for use or disclosure outside BellSouth or any of its subsidiaries except under written agreement

On January 1, 1992, the regional standards and procedures for the handling of customer and employee trouble reports, as described in this document, will become effective. These changes will be reflected in the next issues of BSP 660-169-011SV through 660-169-013SV. These standards and procedures will also be included in future operational reviews and compliance will be strictly enforced.

- o The MLT VER codes listed below are recommended as OOS conditions for NDT (1xx), CCO (2xx), and CBC (4xx) type reports. Changes will be made to BSP 660-169-012SV.

MLT VER Code

3	Open In
17	Resistive Fault and DC FEMF
18	Open Out and Cross
21	Ground
22	Short
25	Short and Ground
32	Can't Draw Dial Tone
33	Can't Break Dial Tone
35	Open In and Cross
41	Open Out Balanced
42	Open Out In Cable
45	Open Out Near Drop
95	Resistive Fault and Open

- o All Auto-Screen rules with the MLT VER codes described previously should have an OOS indicator (100-199) in the RESULT field.
- o It is a management responsibility to ensure compliance to the highest standard of ethics and professionalism in the determination of OOS versus SA for all MLT VER codes.
- o Modifications to the Auto-Screen rules, necessary to comply with these standards, must be completed before January 31, 1992. On this date, the transaction used for compiling the Auto-Screen rules, SCRCOMP, will no longer be available on demand. Future requests to compile the Auto-Screen rules must be coordinated through the



appropriate Implementation Staff to the Headquarters Staff - LMOS Subject Matter Expert.

The Headquarters Staff will maintain records of Auto-Screen rule changes for five years. In addition, Auto-Screen change activity reports will be prepared quarterly by the Headquarters Staff and distributed appropriately.

It is also recommended that each IMC use only one set of Auto-Screen rules and in addition, the use of Automatic Job Reject (AJR) eliminates the necessity for "wet" rules.

- o R (for retest) will be the only valid manual entry in the VER field of the LMOS TR mask.
- o CON or 106 (Carried Over Not Scored) will no longer be a valid Intermediate Status code.
- o In network centers not designated as customer trouble receipt centers, the creation of initial and subsequent trouble reports categorized as Customer Direct (CD), Customer Exclude (CX), and Employee Originated (EO) will be restricted to a small number of specified employees and the process thereof is to be directly supervised by management. A customer trouble receipt center is defined as a Centralized Repair Service Answering Bureau (CRSAB), Business Customer Assistance Center (BCAC), Major Account Center (MAC) / Special Services Center (SSC), National Accounts Support and Service (NASS), and Inter-Exchange Carrier Trouble Reporting Center (ICTRC). Those areas that have LMOS access through the Access Networking System (ANS) should use ANS as a means of managing this work function. Changes will be made to BSP 660-169-011SV.
- o IMC employees should not use mechanized trouble receipt systems, for example AIRO, to enter customer trouble reports except for those reports related to his or her personal business.

- o It will be a management responsibility to identify and document why customer trouble reports held for data base or line record reconciliation are carried over in an open status from one report month to another.
- o Regulatory reports and customer rebates will be based on the FST (final status) time rather than the reported clear time. This change will be made in the system used to extract these data.
- o Trouble reports closed to Disposition Code 11 will be included in the 1992 KSRI Total Customer Trouble Report measurement.
- o MTAS management reports to be used for the identification and reconciliation of customer reports closed to invalid disposition and cause codes will be available on January 1, 1992. The reports will initially be available on demand and will be titled Report 56 - Invalid Cause Codes and Report 86 - Invalid Disposition Codes. These management reports will be eliminated when LMOS software that prevents a trouble report from being closed with invalid codes is installed.
- o BSP 660-169-011SV describes the customer reports that can be excluded for measurement purposes as a Customer-Excluded (CX) report. Compliance to this practice will be strictly enforced.
- o BSP 660-169-011SV describes the appropriate sources of an Employee Originated (EO) report. Compliance to this practice will be strictly enforced.
- o All Operational Review documents related to adverse findings, check lists, and final written reports of findings will be retained for five years.

In addition, the following changes will be made to BSP 660-169-013SV in regards to disposition and cause codes. Due to extensive changes, there are descriptive paragraphs that need revision that are too lengthy to be included in this letter. A complete revised practice will be distributed before the end of the first quarter of 1992. Each operating location should continue to use the existing practices with the following changes:

- o All existing codes used for Service Orders are deleted. Service Orders are now defined as follows:

0190 -SERVICE ORDER FIELD WORK REQUIRED: Applies to Service Orders which require field work to provide service and are dispatched through a mechanized dispatch system. These codes are to be used only for the Service Order completion, not for trouble reports caused by Service Order activity.

0193 -INCOMPLETE FRAME/RCMAC:

0194 -SERVICE ORDER COMPLETE:

0198 -SERVICE ORDER NOT COMPLETE:

0199 -CANCELED SERVICE ORDER:

- o Only 6 codes remain in the category of Disposition code 03\*\*.

The General Code for WIRE/EQUIPMENT IS 0300.

301 -CORPORATE COMMUNICATIONS WIRE - Use existing definition.

0302 -PUBLIC COMMUNICATIONS WIRE - Use existing definition.

0340 -NETWORK INTERFACE: Applies to troubles located in an Inside Network Interface (INI) or Outside Network Interface (ONI) or equivalent network equipment. This includes Network Channel Terminating Equipment (NCTE), Pulselink Data Multiplexing Unit (DVM), and troubles located in a Maintenance Terminating Unit (MTU).

0350 -NETWORK TERMINATING WIRE: Applies when that portion of the facility, including equipment and hardware, that is used to extend circuits from an intra-building network cable terminal or building terminal to a demarcation point.

0370 -PROTECTION GAS/CARBON: Applies when trouble is located in a gas/carbon protective device in the station protector. This code also includes 125 type protectors and trouble located in the ground system, such as missing, loose, or broken ground wire or connection.

0380 -DROP SERVICE WIRE/COPPER AND FIBER: Applies when the trouble is located in the drop service wire. Includes troubles isolated to an aerial/buried drop which came clear prior to being repaired. Applies to both Copper and Fiber Optic Service wires. Applies to permanent, temporary repairs, cut over of drop wire, AC/DC power disturbances to the Optical Network Interface (ONI), and failures of the Optical Network/Channel Units (ONI/ONI Channel Unit).

There are no detail codes except as described above.

- o The revisions to disposition code 04\*\* are designed to allow each operation to use detail coding as applicable. If an operating area desires to use only General coding to identify pair changes, then only disposition code 0400 is required. If the same area wants to run a special study on pair changes, the trouble would be coded to disposition 0401. All code "4's" previously identified as a detail code "0" (Other) are deleted and now will identify the General Code. Should an organization opt to use detail coding, the codes specified in the practice are the only codes that may be used.

TABLE "G" in paragraph 18.1 outlines Sub-codes for Outside Plant troubles, the following changes will be made to the table:

0400 -TROUBLE NOT REPAIRED: Applies when the trouble is located in the outside plant and the trouble report is cleared by means other than correcting or repairing the facility fault. This includes but is not limited to PAIR TRANSFERS, PAIR CUT DEAD AHEAD, PAIR TRANSPOSED, RECONSTRUCTED PAIRS, WRONG PAIR ASSIGNED, and trouble

reports requiring loop treatment devices be added to the line except when a loop treatment device is defective or not connected in a central office as specified on a Service Order, service wire transfer., cable transfer, or any other official written document.

All detail codes previously categorized as 04\*\* will remain in the practice and may be used as required.

0410 -CABLE: USE EXISTING DEFINITION AND DETAIL CODES.

0420 -NON-ACCESSIBLE PLANT: USE EXISTING DEFINITION AND DETAIL CODES.

0430 -ACCESSIBLE PLANT: USE EXISTING DEFINITION AND DETAIL CODES.

0440 -WIRE: USE EXISTING DEFINITION AND DETAIL CODES.

0450 -LIGHTWAVE SYSTEM AND FIBER OPTIC CABLE: USE ALL EXISTING CODES EXCEPT "0453". Code 0453 will be deleted and AIR PRESSURE SYSTEM will be included in disposition code 0490.

0460 -DIGITAL LOOP CARRIER (DLC) AND T1 EXTENSIONS: USE EXISTING DEFINITION AND DETAIL CODES.

0470 -DIGITAL LOOP CARRIER: USE EXISTING DEFINITION AND DETAIL CODES.

0480 -ANALOG CARRIER AND OTHER LOOP ELECTRONICS: USE EXISTING DEFINITION AND DETAIL CODES.

0490 -This is no longer a miscellaneous code. Code 0490 will be defined as: AIR PRESSURE SYSTEM/SHEATH TERMINATING HARDWARE/PRESSURE PLUGS: Applies when trouble is located to pressurization system. Includes air pipe, manifolds, splice case leaks, pressure or flow transducers, controlled leaks, check valves, fittings, etc. Also includes air dryer troubles whether or not air dryer also feeds cooper cables, Also applies when trouble is found to be in the Sheath Terminating Hardware or equivalent Pressure Plugs (including 100A closures or equivalent). Excludes fiber breaks occurring at these two items; code under appropriate fiber failure.

- o 05\*\* -There are no changes to disposition code 05\*\* at this time.

- o 0600 -MISCELLANEOUS: Applies when the customer reports a non-service effecting condition. Includes all conditions presently categorized as 060\*. These items will be listed in the revised practice. Paragraph 12.3 (n) is applicable.
- o 0700 -There are no changes to disposition code 07\*\* at this time.
- o 0800 -There are no changes to disposition code 08\*\* at this time.
- o 0900 -NETWORK FOUND OK: Existing definition of 0900 applies. Codes 0910 and 0930 are deleted.
- o 1000 -MISC/ROUTINE: Applies when a trouble report is referred to other BellSouth agencies or departments not normally involved in the trouble clearing process and task credit maybe required for employee evaluation. Likewise, this code may be used when a trouble report can be EXCLUDED under BSP 660-169-011SV, paragraph 4.8, and task credit maybe required for employee evaluation. Disposition code 1010 is deleted. Codes 1092 thru 1095 remain as defined in the existing practice.
- o 1100 -There are no changes to disposition code 1100 at this time.
- o 1200 -EQUIPMENT WIRING - BILL: Applies when trouble cannot be located in TELCO facilities and can be attributed to, is isolated to, or is found in customer provided equipment/wiring and bill is generated via a Statement of Work Charges RF 141/RF 1356. This code includes billable Tariffed or Detariffed trouble determination or isolation charges made for repairs to station wires, jacks, connecting blocks, etc. at the customer's request. It also applies when the trouble is located in nonstandard customer equipment/wiring.  
  
1210 -EQUIPMENT WIRING - NO BILL: Applies when trouble is found to be in customer equipment/wiring and billing is not applicable for (but is not limited to) the

following reasons:

- Trouble reported by a third party.
- WMR only customer that refuses access to a technician.
- No accesses where the customer has a wire maintenance plan.
- Customer subscribes to a wire maintenance plan that includes isolation and a technician does isolation or repair.
- Repairs covered by warranty.
- Repairs covered by contracted wire maintenance.
- Trouble determination when included as part of tariff for access line.

1220 -CUSTOMER DECLINES DISPATCH: Applies when a trouble is isolated to the customer's equipment/wiring during initial testing when contacting the customer and no dispatch is required. This code is for IMC/MAC/BCAC use only.

1290 -CATV: Any trouble isolated to equipment associated with Cable Television (CATV)

Any 12\*\* code not mentioned above is deleted from the practice.

- o 1300 -All 1300 codes are deleted.
  
- o The revisions to cause codes are designed to allow each operation to use detail coding as applicable. If an operating area desires to use only General coding to identify reports caused by lightning, then only cause code 400 is required. If the same area wants to run a special study on reports caused by lightning, the trouble would be coded to cause code 410. Should an organization opt to use detail coding, the codes specified in the practice are the only codes that may be used.

100 -TELCO-EMPLOYEE:

200 -NON-TELCO-EMPLOYEE:

300 -DEFECTIVE PLANT:

400 -WEATHER:

500 -MISCELLANEOUS:

600 -UNKNOWN:

ATTACHMENT J  
D.W. JONES MEMO



August 1, 1991

*Walt  
are PSC rules  
impacted in any of  
our states  
CB*

TO: R. M. Flynt, Jr. - Senior Vice President -  
 SCB Regulatory & External Affairs  
 W. W. Sessoms - Senior Vice President -  
 SBT Regulatory & External Affairs  
 D. J. Thompson, Jr. - Vice President -  
 Regulatory & External Affairs Staff  
 T. L. Cload, Vice President Operations - North  
 D. L. Strohmeyer, Vice President Operations - Central  
 C. J. Sanders, Vice President Operations - South

FROM: D. W. Jones, Vice President - Network Strategic Planning & Support

SUBJECT: Change in Method of Determining Out of Service Conditions on Customer Trouble Reports

Over the past few months my staff has made a review of Out of Service (OOS) procedures. It was determined that there are currently varied interpretations as to what constitutes an OOS condition.

Based on findings during the review, the rules for scoring Out of Service troubles will be refined so that all areas across the region are more consistent. This will be accomplished first by establishing a standard set of test codes that will be considered an Out of Service condition. Secondly, a software change in the maintenance operation system (LMOS) is being initiated to automatically status troubles as Out of Service when a customer reports No Dial Tone, Can't Be Called, or Can't Call Out on all phones or all calls. With today's methods forty to fifty percent of our total customer trouble reports are coded Out of Service. Our projection is that with the new methods this level will climb to seventy to eighty percent of the total customer trouble reports.

Please evaluate the impacts this new method of determining Out of Service might have with the various rate stabilization plans, rebate policies, internal repair commitment and measurement strategies, or other areas of concern. Please share your findings and thoughts with me by August 30th.

*[Handwritten signature]*

CONCURRED: *[Handwritten signature]*  
R. K. Snelling

cc: F. D. Ackerman  
 W. M. Ferguson  
 N. C. Baker, Jr.

ATTACHMENT K  
AFFIDAVIT OF NEED  
and UNDUE HARDSHIP

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LEON

BEFORE ME, the undersigned authority, personally appeared Walt Baer, who stated that he is currently a Regulatory Analyst with the Florida Office of the Public Counsel, and has provided the following opinion on Southern Bell Telephone's trouble reports.

1. To the best of my knowledge, BellSouth customer trouble reports are processed by a computerized system of linked software. Customer trouble reports are received and processed by the Loop Maintenance Operations System [LMOS]. LMOS analyzes and identifies out-of-service conditions that form the database for in-house and PSC regulatory reports and customer rebates.

2. The schedule 11s filed with the Commission on a quarterly basis are generated by the Mechanized Trouble Analysis System [MTAS], which draws information from the Loop Maintenance Operations System (LMOS). Schedule 11s provide data on the number of trouble reports received, the number of those reports that are statused out-of-service [OOS], and the number of the OOS reports that exceed 24 hours. Schedule 11s are filed with the Commission to demonstrate the company's compliance with Commission rules establishing quality of customer service standards.

3. The Mechanized Out-of-Service Adjustment [MOOSA] system processes customer rebates for out-of-service conditions that exceed 24 hours. MOOSA operates at the end of a series of linked computer programs, which begins with LMOS. MOOSA draws information from the Loop Maintenance Operations System (LMOS), the Mechanized Trouble Analysis System (MTAS), and the Customer Record Information System (CRIS) to identify and adjust the appropriate accounts. MOOSA only handles the simple accounts like single line residential and business. More complex situations involving multiple lines and systems, late payment charges, denial of toll calls, and incorrect billing of service order charges are handled by a manual adjustment system.

4. The Key Service and Revenue Indicators [KSRI] are derived from the same data as generated by LMOS. The foundation of all of these systems is the customer trouble reports. KSRI reports are used as a basis for awarding incentive pay to company employees.

5. To evaluate the adequacy and effectiveness of internal controls and the quality of performance of these systems, BellSouth performs internal audits and statistical analyses. Four such audits took place in the third quarter of 1991.

6. The necessity of utilizing computers to assist in the audits is obvious when one understands the enormous size of the data base, which represents the trouble reports that have to be analyzed to determine whether a refund is due to the consumer. The volume of total trouble reports of which the number of out-of-service (OOS) reports are a subset, and trouble reports that are out-of-service for greater than 24 hours, which is a subset of the OOS reports, can be seen by way of the Schedule 11 and 11a reports furnished to the Florida Public Service Commission by BellSouth. I have summarized the figures from the, admittedly inaccurate, Schedule 11 and 11a reports in the attached Charts A, B and C. Without access to BellSouth's audits, the Office of the Public Counsel Staff would have to receive all the manuals and procedures that explain how to read trouble reports, the paper copies of each trouble report, and each customer bill to verify the accuracy of BellSouth's entire trouble repair and rebate system. All this information would then have to be tabulated into some comprehensible form to determine the degree to which BellSouth has met its claim of maintaining its high quality of customer service with appropriate incentives and integrity.

7. It would be difficult to even estimate how long it would take for the Public Counsel staff to analyze just the 1,643,188 total reports for 1991, or the total OOS report for 1991 of 670,537. Indeed, given the complexity of the audits, the enormous amount of data, and the unique computer system required to process it, the task is impossible.

8. All of the customer data and the computer systems that are needed to produce these audits are under the sole control of BellSouth Telecommunications, Inc. and cannot be obtained from any other source.

9. Graphs showing the number of reports - total, OOS and OOS over 24 hours - are attached. This data comes from public records on file with the Public Service Commission. This data has been rendered suspect by BellSouth's claim of privilege for its audit of the PSC schedule 11's, which it labeled as containing "significant adverse findings".

DATED at Tallahassee, FL, this 23rd day  
of July, 1992.

Walter W. Baer  
STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 23<sup>rd</sup>  
day of July, 1992, by Walter Baer, who:

A) Walter Baer (is) are personally known to

me OR \_\_\_\_\_ who has/have produced \_\_\_\_\_  
a driver's license OR \_\_\_\_\_ other  
identification: \_\_\_\_\_  
as identification; and

B) Who \_\_\_\_\_ did OR \_\_\_\_\_ did  
not take an oath.

Lynda Kelly  
Signature of Notary Public

LYNDA KELLY  
Printed name of Notary Public

Notary  
Title or Rank

(SEAL/EXPIRATION DATE)

Notary Public, State of Florida  
My Commission Expires Oct. 26, 1993  
Bonded Thru Troy Fain - Insurance Inc.



CHART A

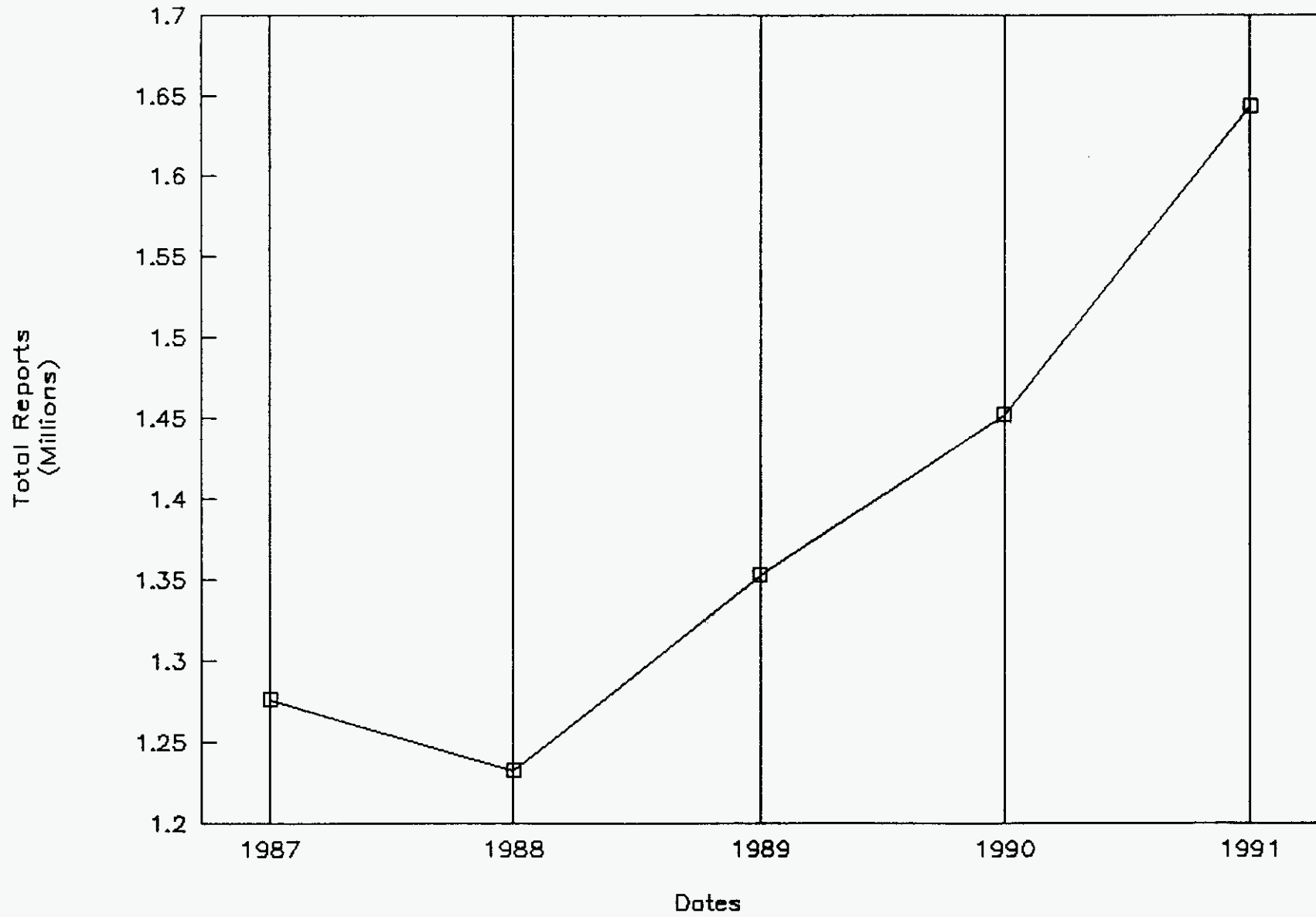
TOTAL TROUBLE REPORTS - FLORIDA

Source: Schedule 11a

	1987	1988	1989	1990	1991
Jan.	113,579	102,933	103,709	114,610	131,981
Feb.	96,604	97,937	88,552	104,880	111,720
Mar.	106,111	105,345	107,347	112,496	125,549
Apr.	97,858	94,100	104,754	112,079	132,356
May	100,168	92,591	109,894	113,841	132,523
Jun.	103,174	103,297	122,791	133,633	146,135
Jul.	119,247	109,465	122,336	136,731	157,929
Aug.	108,363	117,044	131,791	149,120	151,135
Sep.	109,612	111,206	120,142	120,533	135,174
Oct.	111,773	101,807	122,180	131,459	166,431
Nov.	106,536	102,540	107,206	115,554	127,835
Dec.	103,131	94,212	112,392	107,336	124,420
Sum	1,276,156	1,232,477	1,353,094	1,452,272	1,643,188
Ave	106,346	102,706	112,758	121,023	136,932
Total 1987 - 1991 =					4,448,554

# Total Trouble Reports – Florida

Source: Schedule 11a



# TOTAL TROUBLE REPORTS — FLORIDA

Source: Schedule 11a

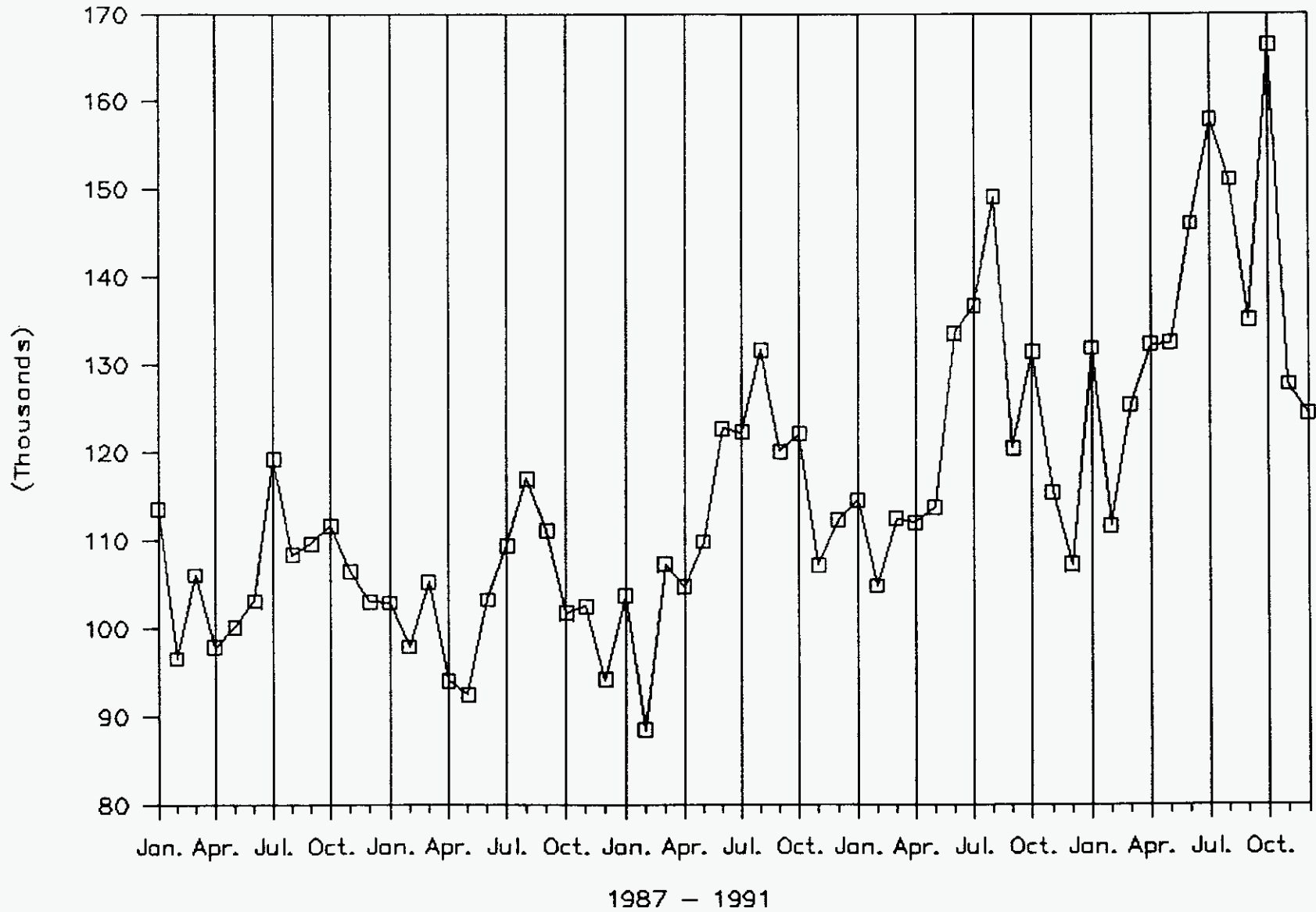




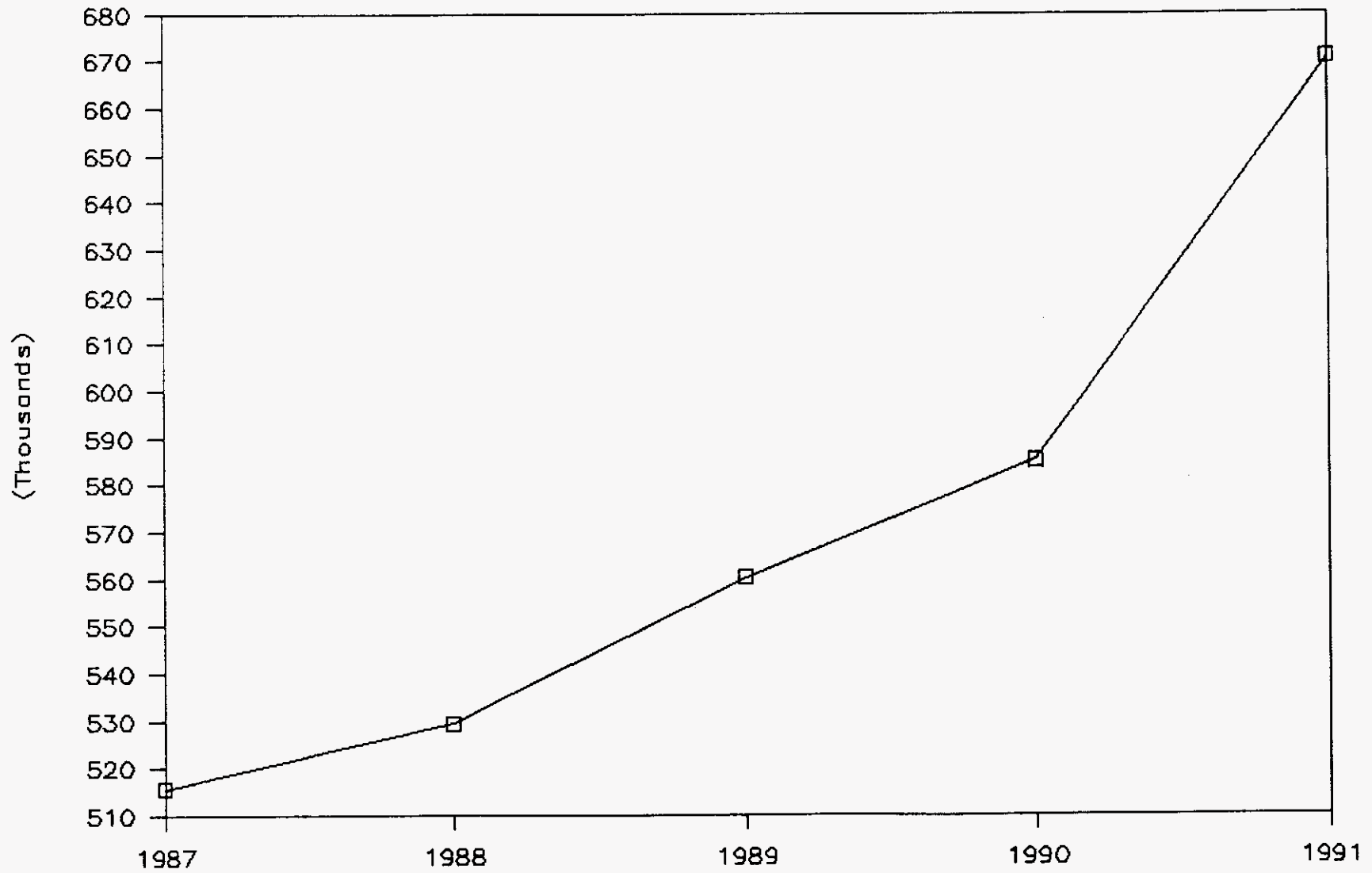
CHART B

TOTAL OOS TROUBLE REPORTS – FLORIDA

	1987	1988	1989	1990	1991
Jan.	41,124	44,918	41,225	45,321	51,227
Feb.	36,436	43,942	36,380	42,433	42,828
Mar.	39,789	46,581	44,723	46,900	48,204
Apr.	35,935	40,458	45,206	47,942	53,108
May	39,171	39,960	45,889	46,079	53,621
Jun.	41,285	45,033	53,087	55,939	62,239
Jul.	50,617	47,806	51,317	56,719	67,818
Aug.	45,255	51,322	54,376	62,556	60,637
Sep.	46,898	46,769	51,080	48,141	55,946
Oct.	47,910	42,267	48,500	50,052	71,557
Nov.	46,685	42,712	42,730	43,604	51,881
Dec.	44,612	37680	45,821	39,559	51,471
Sum=	515,717	529,448	560,334	585,245	670,537
Ave=	42,976	44,121	46,695	48,770	55,878
			Total 1987 – 1991 =		2,861,281

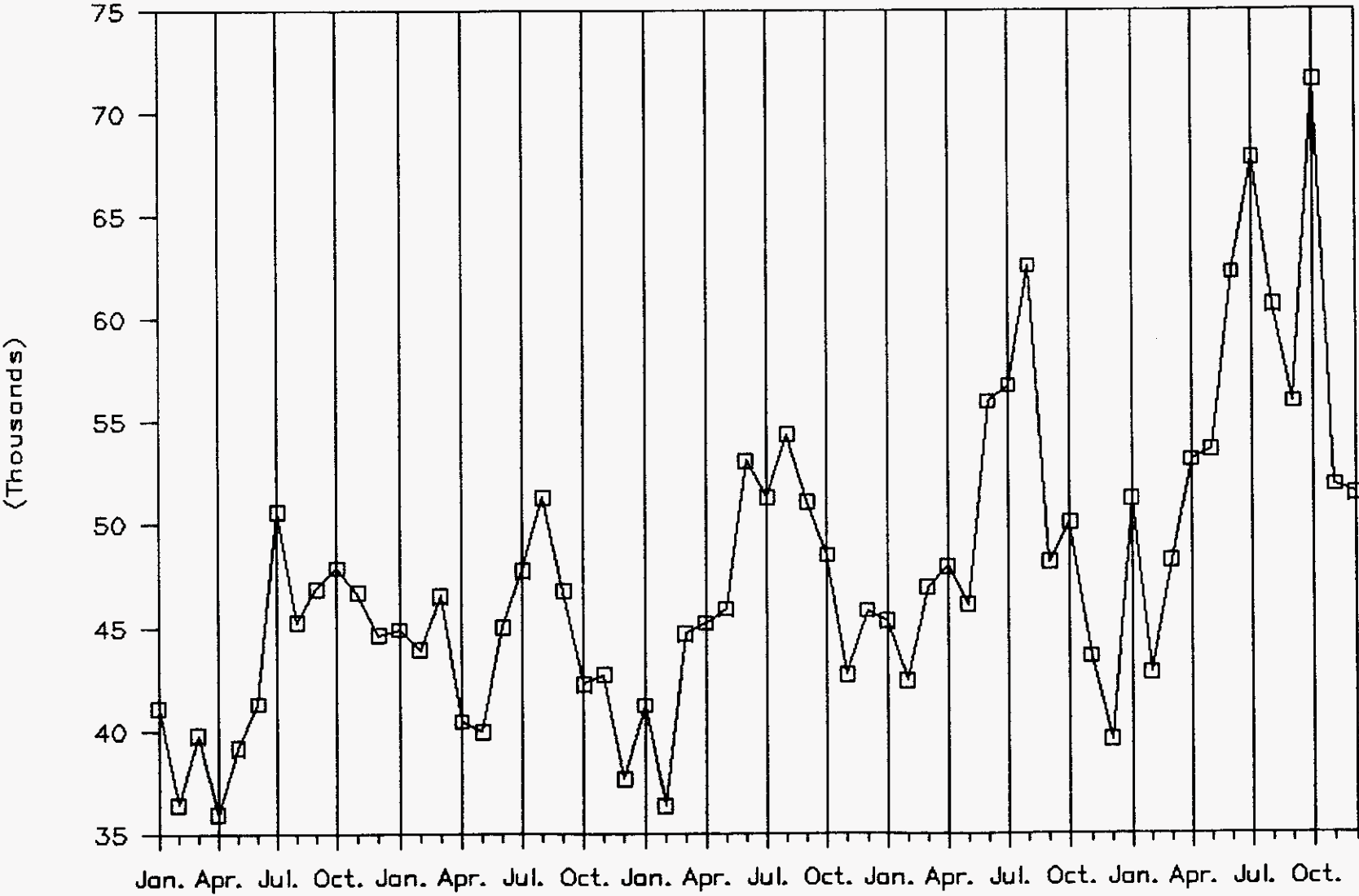
# TOTAL OOS TROUBLE REPORTS – FLORIDA

Source: Schedule 11a



# TOTAL OOS TROUBLE REPORTS – FLORIDA

Source: Schedule 11a



1987 – 1991

CHART C

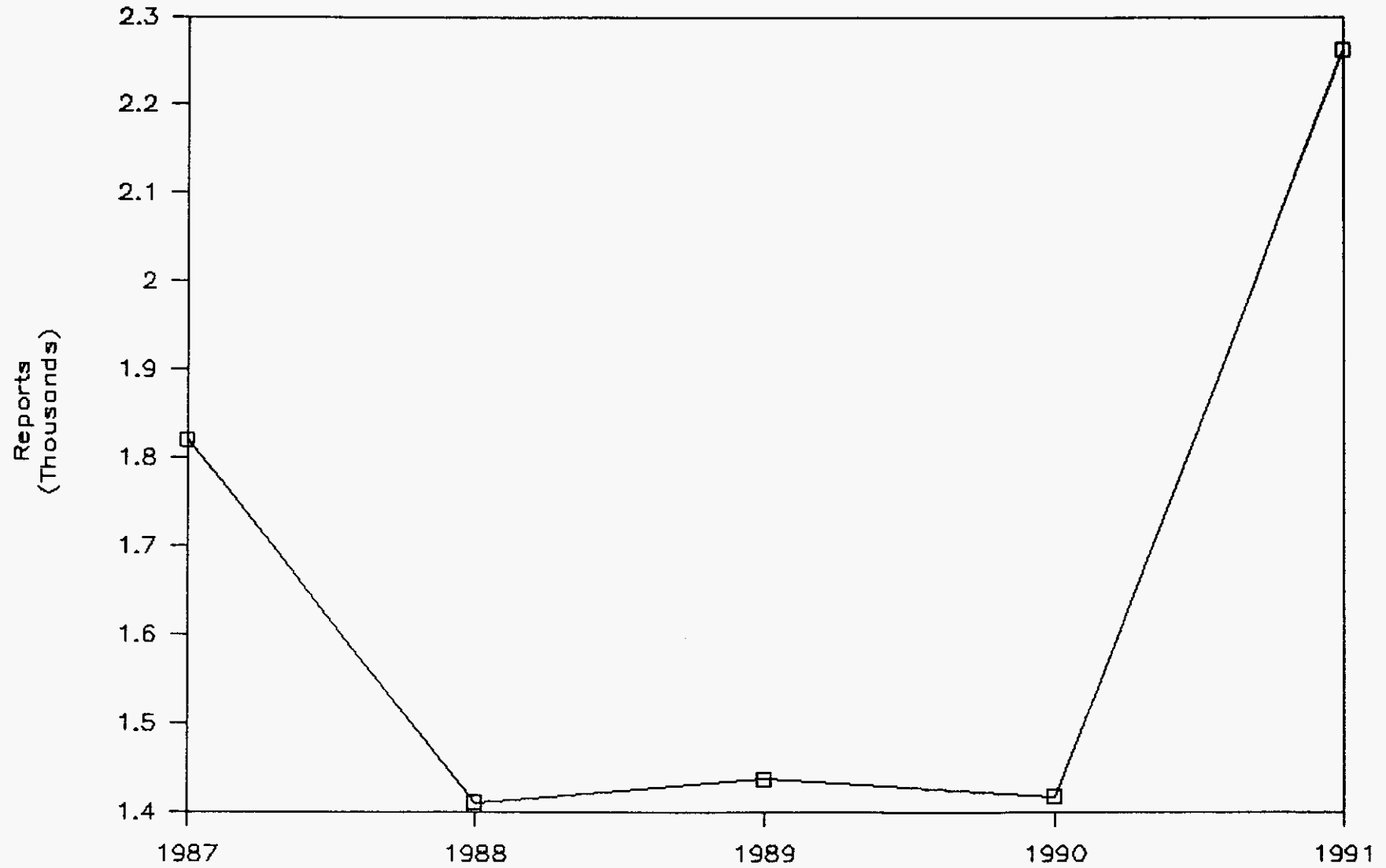
TOTAL OVER 24 HOURS TROUBLE REPORTS - FLORIDA

Source: Schedule 11a

	1987	1988	1989	1990	1991
Jan.	1,452	1,372	733	1,298	1,293
Feb.	878	1,131	513	796	811
Mar.	1,225	955	1,604	917	1,275
Apr.	1,030	884	863	1,036	1,351
May	1,360	898	892	962	1,496
Jun.	1,552	1,432	1,620	1,720	2,662
Jul.	2,461	2,295	1,605	2,601	3,604
Aug.	1,562	2,288	1,851	3,483	2,925
Sep.	1,910	2,962	1,464	1,092	1,904
Oct.	2,087	1,245	2,440	1,364	5,125
Nov.	4,323	842	1,756	893	2,191
Dec.	2,011	631	1,905	853	2,513
Tot=	21,851	16,935	17,246	17,015	27,150
Avg	1,821	1,411	1,437	1,418	2,263
Total 1987 - 1991 =					100,197

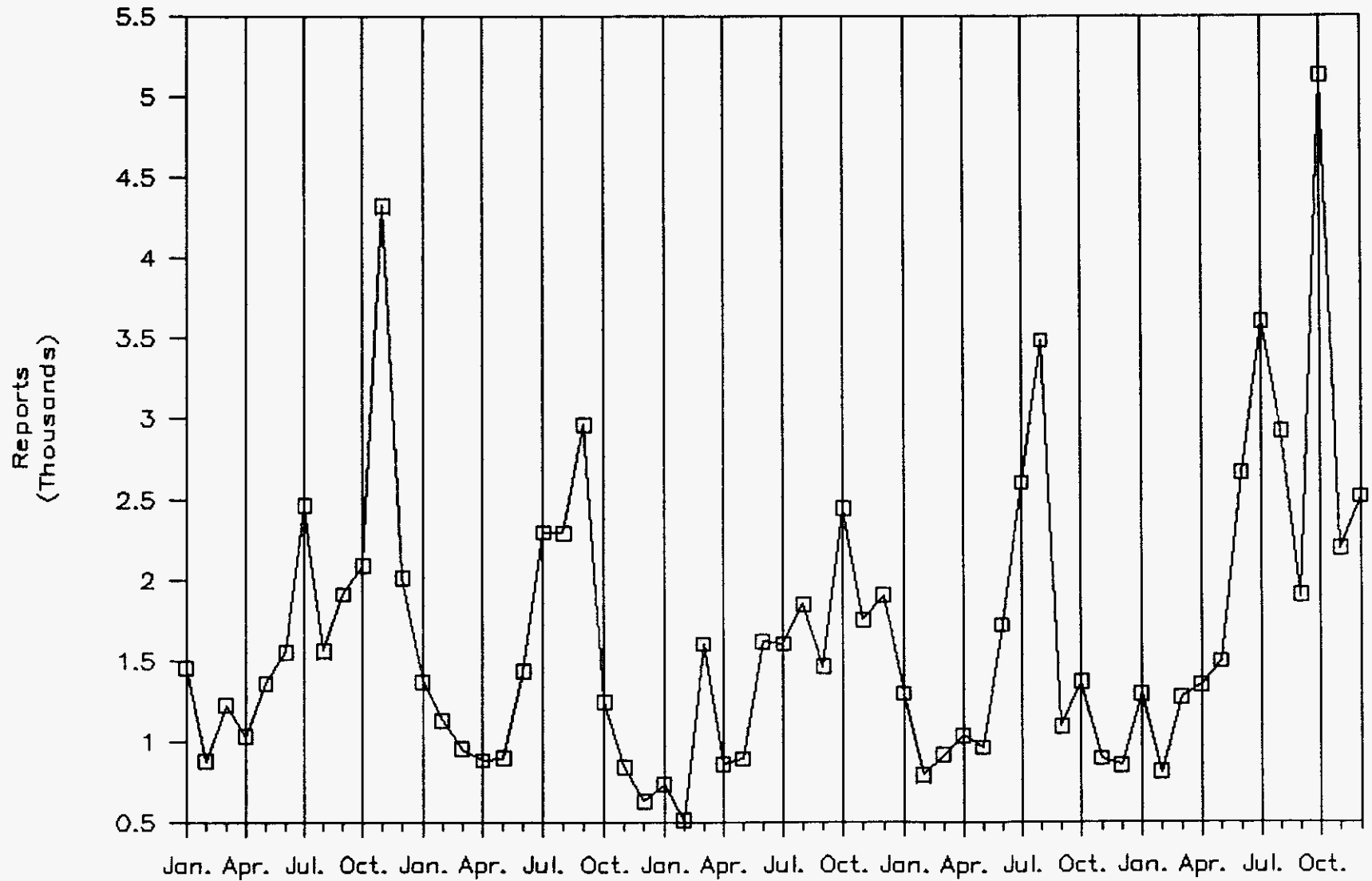
# TOTAL OVER 24 HOURS OOS REPORTS

Source: Schedule 11a



# TOTAL OVER 24 HOURS OOS REPORTS

Source: Schedule 11a



**CERTIFICATE OF SERVICE  
DOCKET NO. 910163-TL**

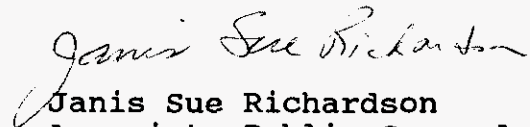
I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following persons on this 23rd day of July, 1992.

Marshall Criser, III  
BellSouth Telecommunications,  
Inc. (Southern Bell Telephone  
& Telegraph Co.)  
150 S. Monroe St., Suite 400  
Tallahassee, FL 32301

John Hoag  
Department of Legal Affairs  
Presidential Circle  
4000 Hollywood Blvd., Suite 505-S  
Hollywood, FL 33021

Tracy Hatch  
Jean Wilson  
Division of Legal Services  
Fla. Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32301

David Wells  
Robert J. Winicki  
William S. Graessle  
Mahoney, Adams & Criser, P.A.  
3300 Barnett Center  
50 North Laura Street  
P.O. Box 4099  
Jacksonville, FL 32201

  
Janis Sue Richardson  
Associate Public Counsel