

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition on Behalf of ) DOCKET NO. 910163-TL  
Citizens of the State of Florida )  
to Initiate Investigation into )  
the Integrity of SOUTHERN BELL )  
TELEPHONE AND TELEGRAPH )  
COMPANY'S Repair Service )  
Activities and Reports. )  
\_\_\_\_\_)  
In Re: Comprehensive Review of ) DOCKET NO. 920260-TL  
the Revenue Requirements and )  
Rate Stabilization Plan of )  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY. )  
\_\_\_\_\_)  
In Re: Show Cause Proceeding ) DOCKET NO. 900960-TL  
against SOUTHERN BELL TELEPHONE )  
AND TELEGRAPH COMPANY for )  
Misbilling Customers. )  
\_\_\_\_\_)  
In Re: Investigation into ) DOCKET NO. 910727-TL  
SOUTHERN BELL TELEPHONE ) ORDER NO. PSC-93-0518-FOF-TL  
COMPANY'S compliance with Rule ) ISSUED: 04/06/93  
25-4.110(2), F.A.C. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

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

ORDER DENYING MOTION FOR REVIEW

BY THE COMMISSION:

Background

Order No. PSC-93-0317-PCO-TL, (Order), issued by the Prehearing Officer on March 3, 1993, in the above consolidated docket, granted Public Counsel's Motion To Compel BellSouth Telecommunications' Operations Manager -- Florida Internal

DOCUMENT NUMBER-DATE

03703 APR-68

PSC-REG/REG/REPORTING

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Auditing Department --Shirley T. Johnson to answer deposition questions.

On March 10, 1993, Southern Bell filed a Motion For Review of the Prehearing Officer's Order by the full Commission. On March 16, 1993, Public Counsel filed its Response thereto.

#### Discussion

Southern Bell has not identified in the Order error of fact or law that would meet the appropriate standard for reconsideration or review. Diamond Cab Co. of Miami v. King, 146 So. 2d 889 (Fla. 1962); Pingree v. Quaintence, 399 So. 2d 161 (Fla. 1st DCA 1981); Order No. PSC-92-0339-FOF-TL (5/13/92).

During a deposition of Shirley T. Johnson, BellSouth Telecommunications Operations Manager for Internal Auditing, Southern Bell objected to questions asked by the Public Counsel concerning certain internal audits. The objections were based on a claim that information about the audits was privileged from discovery under the attorney-client and work-product doctrines.

We have already held that the audits in question were not privileged from discovery. Final Order No. PSC-93-0292-FOF-TL. Accordingly, Southern Bell's reiteration here of its disagreement with that holding does not identify an issue of fact or law that the Prehearing Officer overlooked or an error requiring review. Though Southern Bell further argues that the deposition questions regarding the audits improperly invaded privileged matters, that argument is inconsistent with the Commission's previous holding that the audits were not privileged.

In view of the above, it is

ORDERED by the Florida Public Service Commission that Southern Bell's Motion for Review of Order No. PSC-93-0317-PCO-TL is denied. It is further

ORDERED that this docket remain open.

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By ORDER of the Florida Public Service Commission this 6th  
day of April, 1993.

STEVE TRIBBLE, Director  
Division of Records & Reporting

( S E A L )

RCB  
910163#3.ORD

by: Kay J. [Signature]  
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.