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ORIGINAL  
FILE COPY

July 18, 1991

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

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 12 copies of Citizens' Motion to Compel to be filed in this docket.

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** \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 1 w/m
- LIN 1 w/m
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- STH \_\_\_\_\_

Enclosure

Sincerely,

*Darlene Driscoll*

Darlene Driscoll

RECEIVED & FILED

TRB  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

07312 JUL 18 1991

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the )  
Integrity of Southern Bell's )  
Repair Service Activities and )  
Reports )  
\_\_\_\_\_ )

Docket No. 910163-TL  
Filed: July 18, 1991

MOTION TO COMPEL

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, move the Commission to order Southern Bell Telephone and Telegraph Company ("Southern Bell") to fully answer interrogatories nos. 1 and 2 of the Citizens' fifth set of interrogatories dated June 11, 1991.

1. On June 11, 1991 the Citizens served two interrogatories on Southern Bell. The two interrogatories asked Southern Bell to provide specific information about each person Southern Bell was asked to identify in response to interrogatories served on June 6, 1991.

2. Southern Bell objected to fully answering the June 6, 1991 interrogatories, and that matter is the subject of a motion to compel filed July 11, 1991. In response to the June 11, 1991 interrogatories, Southern Bell simply referred back to its objections to the June 6, 1991 interrogatories.

3. For the same reasons provided in the Citizens' July 11, 1991 motion to compel, the Citizens move the Commission to compel Southern Bell to fully answer the two interrogatories dated June 11, 1991.

4. The June 11, 1991 interrogatories asked Southern Bell to indicate (a) whether each person identified in response to the June 6, 1991 interrogatories is currently employed by Southern Bell, (b) the persons' dates of employment with Southern Bell, and (c) the persons' current job titles at Southern Bell. The second interrogatory asked Southern to indicate generally the type of information held by each person.

5. Interrogatories requesting this type of information have been upheld by the Florida Supreme Court. In the case of Surf Drugs, Inc., v. Vermette, 236 So.2d 108 (Fla. 1970), the Supreme Court stated that "we hold, therefore, that a party may be required to respond on behalf of himself, his attorney, agent, or employee and to divulge the names and addresses of any person having relevant information as well as to indicate generally the type of information held by the person listed." Surf Drugs, Inc. at 113.

WHEREFORE, the Citizens respectfully request the Commission to order Southern Bell to fully answer the Citizens' interrogatories dated June 11, 1991.

Respectfully submitted,

JACK SHREVE  
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Assistant Public Counsel

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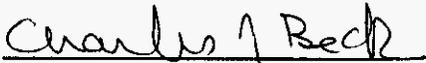
**CERTIFICATE OF SERVICE  
DOCKET NO. 910163-TL**

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 18th day of July, 1991.

Marshall Criser, III  
Southern Bell Telephone and  
Telegraph Company  
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