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January 21, 1992

ORIGINAL
FILE COPY

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

Re: Docket No. 910163-TL - Repair Service Investigation

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Response to Public Counsel's Motion to Strike Southern Bell's Motion for Reconsideration of Order No. 25483, which we ask that you file in the captioned docket.

- ACK
- ATA _____
- APP _____
- CAF _____
- CMU
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- CPC _____
- RCH _____
- SEC _____
- WAS _____
- OTH _____

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

Sincerely yours,
Harris R. Anthony (w/)
Harris R. Anthony

Enclosures

cc: All Parties of Record
A. M. Lombardo
R. Douglas Lackey

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A BELLSOUTH Company

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CERTIFICATE OF SERVICE
Docket No. 910163-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this *21* day of *January*, 1992,
to:

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

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

Harris A. Anthony

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: January 20, 1992)
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**SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
RESPONSE TO PUBLIC COUNSEL'S MOTION TO STRIKE
SOUTHERN BELL'S MOTION FOR RECONSIDERATION OF ORDER NO. 25483**

COMES NOW BellSouth Telecommunications, Inc., d/b/a/ Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), pursuant to Rule 25-22.037(2)(b), Florida Administrative Code, and files its Response to Public Counsel's Motion to Strike Southern Bell's Motion for Reconsideration of Order No. 25483, in the above-referenced docket.

1. On January 8, 1992, the Office of Public Counsel ("Public Counsel") filed its Motion to Strike Southern Bell's Motion for Reconsideration of Commission Order No. 25483. The basis for the Public Counsel's Motion is that pursuant to Commission Rule 25-22.060(1)(a), Florida Administrative Code, the Commission will not entertain a motion for reconsideration of any order disposing of a motion for reconsideration.

2. However, as Public Counsel acknowledges in its Motion, Southern Bell's motion is the first motion it has filed for reconsideration of Order No. 25483. Southern Bell's prior motion was for full Commission review pursuant to Rule 25-22.038(2), Florida Administrative Code, of Order No. 25054 issued by the prehearing officer. As Southern Bell has repeatedly pointed out, a review of a prehearing officer's order by the full Commission is

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not the same thing as reconsideration by the Commission of its own order. Thus, Southern Bell's motion for reconsideration of Order No. 25483 is the first reconsideration the Commission will entertain with respect to its decision on this matter. Moreover, Southern Bell's motion raises for reconsideration its argument that the Commission's adoption of a "standard of review" equivalent to that used for motions for reconsideration when reviewing a prehearing officer's motion is an error of law. Indeed, since this issue was raised for the first time in the review by the Commission, this is the first time Southern Bell has had the opportunity to urge reconsideration of this issue. Public Counsel's motion to strike is, therefore, groundless and should be denied.

WHEREFORE, for the reasons stated above Southern Bell requests that the Commission deny Public Counsel's Motion to Strike Southern Bell's Motion for Reconsideration of Order No. 25483.

Respectfully submitted,

SOUTHERN BELL TELEPHONE AND
TELEGRAPH COMPANY

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