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November 12, 1992

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 15 copies of Citizens' Motion to Compel BellSouth Telecommunications' Operations Manager -- Florida Internal Auditing Department -- Shirley T. Johnson, and BellSouth Telecommunications' Human Resource Operations Manager Dwane Ward, to Answer Deposition Questions and Motion to Strike the Affidavits of Shirley T. Johnson.

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

Sincerely,

Janis Sue Richardson
Janis Sue Richardson
Associate Public Counsel

Enclosure

Note:
Confidential deposition of Johnson (13323-92) and
Confidential deposition of Ward (13324-92) are
in confidential files.

Motion
DOCUMENT NUMBER-DATE

13322 NOV 12 1992

FPSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the)	
Integrity of Southern Bell's)	Docket No. 910163-TL
Repair Service Activities)	
and Reports.)	Filed: November 12, 1992
)	

CITIZENS' MOTION TO COMPEL BELLSOUTH TELECOMMUNICATIONS' OPERATIONS MANAGER -- FLORIDA INTERNAL AUDITING DEPARTMENT -- SHIRLEY T. JOHNSON, AND BELLSOUTH TELECOMMUNICATIONS' HUMAN RESOURCE OPERATIONS MANAGER DWANE WARD, TO ANSWER DEPOSITION QUESTIONS AND MOTION TO STRIKE THE AFFIDAVITS OF SHIRLEY T. JOHNSON

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, request the Florida Public Service Commission: (1) to compel BellSouth Telecommunications, Inc., ("BellSouth") d/b/a/ Southern Bell Telephone and Telegraph Company to issue an order requiring BellSouth Telecommunications Operations Manager, Internal Auditing, Shirley T. Johnson, and BellSouth Telecommunications Operations Manager, Human Resources, Dwane Ward, to answer questions asked during depositions taken on October 14 and 15, 1992 respectively; (2) to strike the affidavits of Shirley T. Johnson, Internal Auditing Operations Manager, submitted with BellSouth's motions in opposition to Citizens' motions to compel discovery; and (3) to render an expedited decision. Citizens state as grounds therefor:

Background

1. Citizens deposed BellSouth Telecommunications Operations Manager for Internal Auditing Shirley T. Johnson on October 14,

1992. During that deposition, counsel for BellSouth repeatedly directed Ms. Johnson to refuse to answer questions. The questions generally asked about the preparation and factual contents of the company's 1991 third quarter internal audits.

2. Five audits were performed in the third quarter on various aspects of the company's repair and rebate systems: LMOS [Loop Maintenance Operation System], KSRI [Key Service and Revenue Indicators], MOOSA [Mechanized Out of Service Adjustments], PSC Schedule 11 reports, and Operational Reviews.¹ A single copy of Ms. Johnson's deposition accompanies this motion as Attachment A. Attachment B is a listing of each claim of privilege raised in her deposition. Since the deposition extensively discusses audit information claimed by BellSouth to contain confidential information, only one copy of the deposition is provided the Commission's division of records and reporting. The Citizens expect BellSouth to soon file a line-by-line request for confidential treatment of the deposition, at which time we will respond to that specific request.

3. Citizens deposed BellSouth Telecommunications Operations Manager for Human Resources Dwane Ward on October 15, 1992. During that deposition, counsel for BellSouth repeatedly directed Mr. Ward to refuse to answer questions. The questions generally

¹ The first four audits listed are the subject of pending motions to compel in docket nos. 910163-TL and 920260-TL. See infra n.2. BellSouth has refused to produce these audits under a claim of attorney-client and work product privileges. Citizens has requested the production of the Operational Review audit in its thirty-first document request, filed October 22, 1992.

asked about the disciplining of a number of the company's installation and maintenance center managers in 1992. Since the deposition discusses discipline information claimed by BellSouth to contain confidential information, only one copy of the deposition is provided the Commission's division of records and reporting as Attachment C. Attachment D is a listing of each claim of privilege raised by page and line in Mr. Ward's deposition. The Citizens expect BellSouth to soon file a line-by-line request for confidential treatment of the deposition, at which time we will respond to that specific request.

Deposition of Ms. Shirley T. Johnson

4. BellSouth submitted affidavits by Ms. Shirley T. Johnson in support of its motions in opposition to Citizens' motions to compel the production of four of its 1991 third quarter audits. See infra n.3. The company objected to producing any of these internal audits on the grounds of attorney-client and work product privileges. Essentially, Ms. Johnson's affidavits²

² Ms. Johnson's affidavits are attached to the following responses filed by the company:

Southern Bell Telephone and Telegraph Company's Opposition to Public Counsel's Motion to Compel and Request for Oral Argument filed in Docket No. 910163-TL on April 15, 1992;

Southern Bell Telephone and Telegraph Company's Opposition to Public Counsel's Supplement to Public Counsel's First Motion to Compel and Request for In Camera Inspection of Documents filed in Docket No. 920260-TL on June 15, 1992; and

Southern Bell Telephone and Telegraph Company's Opposition to Public Counsel's Seventh Motion to Compel and Request for

claim that the random sample method, used to produce the LMOS, MOOSA, and PSC Schedule 11 audits,³ can be duplicated by use of the company's computer system and corresponding individual customer records. When asked to explain the random sampling method, Ms. Johnson refused to do so based on counsel's claim of privilege.[T 39-40] When asked to explain her statement that the random sample accounts used in the MOOSA audit were examined by "tracing the trouble report from initial reporting to the customer's bill", she again refused to answer the question based on counsel's claim of privilege.[T 42-43] When asked if customer repair records were involved in each of the five audits, Ms. Johnson was again directed not to answer on the basis of privilege. [T 41] In addition, when questioned as to the rating of these audits as containing "significant adverse findings", Ms. Johnson refused to answer based on counsel's claim of privilege.[T 55-57] Even when Public Counsel pointed out that

In Camera Inspection of Documents filed in Docket No. 910163-TL on August 4, 1992.

³ Ms. Johnson testified that there were five audits done by the company in 1991: LMOS [Loop Operation Maintenance System], KSRI [Key Service and Revenue Indicators], MOOSA [Mechanized Out of Service Adjustments], PSC Schedule 11, and Operational Review. Citizens sought production of the first four (LMOS, KSRI, MOOSA, and Schedule 11) based upon the company's itemized listing of audits performed that was submitted as Attachment A to Southern Bell Telephone and Telegraph Company's Opposition to Public Counsel's First Motion to Compel and Request for In Camera Inspection of Documents filed in Docket No. 920260-TL on May 15, 1992. As the Operational Review audit did not appear on Attachment A, Citizens did not request this audit until after Ms. Johnson's deposition.

BellSouth had disclosed this information thus waiving any privilege, counsel persisted in his objection.⁴ [T 56-57]

5. BellSouth claims that the attorney-client and work product privileges allow it to not only withhold the audits in their entirety but also to refuse to answer any questions concerning the factual content and structure of those audits. As the U.S. Supreme has stated, the attorney-client privilege protects communications not the underlying facts. Upjohn v. United States 449 U.S. 383 (1981). The internal audits in question reviewed factual data drawn from statistical samples of customer repair records and, as such, do not comprise confidential communications. Neither the audits nor Ms. Johnson's possible responses to Citizens' questions regarding the factual content and structure of the audit are protected communications. Citizens request the Commission to compel Ms. Johnson to respond fully to our questions.

6. Furthermore, Ms. Johnson refused to respond to questions directed to the sworn affidavits filed by the company with the Commission. Citizens have the right to full and complete answers to questions concerning affidavits filed with the Commission by the company in support of its opposition to Citizens' motion to compel discovery.

⁴ 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 in Docket no. 920260-TL.

7. The attorney-client and work product privileges do not apply to affidavits, which have become matters of public record upon filing with the Commission. Hence, Ms. Johnson's responses to Public Counsel's questions concerning statements made in her affidavits are not privileged. Ms. Johnson's refusal to answer these questions on the instruction of company counsel has impeded Public Counsel's ability to prepare its case. It also calls into question the company's assertion that Public Counsel has not shown the requisite level of need to overcome the company's claim of work product privilege for the audits. Without definite answers as to the scope of the audits, the data base from which the random samples were derived, the size of the samples, and the customer records involved, Citizens is unable to refute the company's arguments raised in opposition to discovery. Citizens, therefore, request the Commission to strike Ms. Johnson's affidavits.

8. BellSouth cannot assert as a defense that Citizens have the substantial equivalent of the factual data comprising the audits and then claim that information which would prove otherwise is privileged. See Rollins Burdick Hunter v. Euroclassics Ltd., 502 So. 2d 959 (Fla. 3d DCA 1987). The proper sanction imposed on a party who uses a privilege claim as both shield and sword is to strike the pertinent portions of the pleading. See Id. at 962.

9. Additionally, Ms. Johnson's answers to Public Counsel's questions are not protected by the work product privilege. The

work product privilege protects technical documents prepared by an attorney or agent in preparation for litigation not business documents. Public Counsel's position has been fully briefed in its prior motions to compel and its arguments are adopted by reference herein.⁵

10. Furthermore, upon a showing of need and an inability to reproduce the substantial equivalent without undue hardship, a party may be required to disclose the factual content of the technical documents. Harris Semiconductor v. Gastaldi, 559 So. 2d 299 (Fla. 1st DCA 1990). The data base and the computer system from which the random statistical samples were produced to form the factual basis for the audits are under the sole control of the company. BellSouth has stonewalled Citizens' assertion of need for the audit information by refusing to provide clear and complete answers to the method of sampling, the amount of data involved, and the process of tracing the sampled data to the customer troubles involved.

11. BellSouth should not be permitted to refuse to clarify its public statements taken under oath as to the ease of duplicating its audits. Ms. Johnson stated that she would not be able to perform any of the audits without access to the company's computer system. [T 58]

⁵ See Citizens' Motion to Compel and Request for Oral Argument filed in Docket No. 910163-TL on April 8, 1992; Citizens' Seventh Motion to Compel and Request for In Camera Inspection of Documents filed in Docket no. 910163-TL on July 23, 1992; and Citizens' First Motion to Compel and Request for In Camera Inspection of Documents filed in Docket no. 920260-TL on May 8, 1992 with Supplement filed June 2, 1992.

Q: In your opinion, would you yourself be able to reproduce this audit if you did not have access to Southern Bell's computer system?

A: No.

Ms. Johnson testified that an Installation and Maintenance center manager, who was trained in repair operations but not in auditing, would be unlikely to be able to reproduce these audits.

[T 57 - 58]

Q: In your opinion, would an IMC manager be capable of reproducing any of these five audits?

A: Performing an audit of their own?

Q: Yes.

A: I wouldn't know that.

Q: In your opinion, would an IMC Manager have the technical skills and access to the proper systems to perform?

Mr. Beatty (counsel): If you know.

Q: In any of these five audits?

A: I don't believe an IMC manager is trained to perform audit work, so I would not believe they could perform this audit. I would believe they have technical knowledge of the operation of the center and the systems involved.

In her affidavits, she states that these audits could be reproduced using the MTAS [Mechanized Trouble Analysis System] and other system produced reports. Obviously, without the proper training and access to the system, Public Counsel would be unable to reproduce these audits.

12. According to Ms. Johnson's testimony, the five audits took teams of auditors, statisticians, system and network staff

[T 14 - 20] seven months to perform the audits [T 32]. The volume of document pages involved in producing these audits fill 27 large binders. [T 59] Obviously, these five audits or their equivalent, cannot be reproduced by Public Counsel.

13. Neither the work product privilege nor the attorney-client privilege shield Ms. Johnson from answering Public Counsel's deposition questions concerning the facts on which these audits are based. Since the audits themselves are not privileged, answers to questions about the audits are not privileged.

Deposition of Dwane Ward

14. Mr. Dwane Ward refused to answer questions regarding the acts or omissions constituting the basis for disciplining approximately fourteen managers in the company's southeast area. BellSouth claims that the attorney-client and work product privileges allow it to conceal this information. This takes BellSouth's claim of privilege to a new extreme.

15. BellSouth now claims it can actually hide facts -- acts or omissions by its employees -- if it learned about the facts during an investigation conducted by its legal department. This is a step beyond the position three times rejected by this Commission⁶ that BellSouth may refuse to provide the names of

⁶ See Commission order no. 25054 issued September 12, 1991; Commission order no. 25483 issued December 17, 1991; and Commission order no. PSC-92-0339-FOF-TL issued May 13, 1992. On June 11, 1992 BellSouth petitioned the Florida Supreme Court for review of Commission order no. PSC-92-0339-FOF-TL. Southern Bell

persons known by BellSouth to have knowledge about the types of activities under investigation. Now, according to BellSouth, not only may it conceal the names of persons with knowledge about the activities, but it may also conceal the activities themselves.

16. While an internal company investigation conducted at the request of its legal department may prove to be privileged work product, the specific actions or omissions forming the basis for employee discipline conducted by an officer of the company is not. The company has admitted that "[t]he disciplining of employees for falsification of customer records is a business decision." Southern Bell Telephone and Telegraph Company's Objections to Public Counsel's First Set of Requests for Admissions produced in Dockets nos. 910163-TL and 920260-TL (7/24/92) (emphasis added) [Attachment E]. The privilege was designed to prevent an opposing party from building its case upon the mental efforts of an attorney. See Surf Drugs, Inc. v. Vermette, 236 So. 2d 108 (Fla. 1970). It was not designed to permit the first party to the scene to gather the evidence and then deny access to the factual evidence under a claim of privilege. This is why the rules permit discovery of work product when its substantial equivalent cannot be reproduced by other means of discovery, such as depositions of witnesses. See Hickman v. Taylor, 329 U.S. 495, 508-509 (1947). When

Tel. & Tel. Co. v. Florida Pub. Serv. Comm'n, Case No. 80,004 (decision pending).

depositions are similarly curtailed, then the facts are hidden and justice is not served.

17. BellSouth refused to release the names of employees with knowledge of the facts at issue. Company counsel instructed Mr. Ward and other employees to refuse to answer deposition questions as to the acts or omissions resulting in discipline of employees for falsification of repair records.⁷

18. Public Counsel adopts by reference his arguments made in prior motions to compel on this issue. See supra n.7. BellSouth has preempted Citizens' access to the facts in this case by refusing to answer proper interrogatories, delaying access to its employees for depositions by refusing to reveal the names of employees/witnesses with knowledge of the facts, and circumscribing depositions so that factual information remains concealed. Citizens request this Commission to compel Mr. Dwane Ward to answer Citizens' deposition questions.

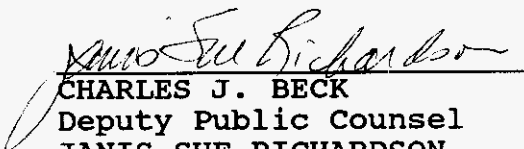
WHEREFORE, Citizens ask this Commission to compel Ms. Shirley T. Johnson and Mr. Dwane Ward to fully answer deposition questions and to strike Ms. Johnson's affidavits submitted with

⁷ BellSouth raised the privilege claim previously in Public Counsel's deposition of Mr. Cuthbertson and Mr. Sanders. Citizens' Motion to Compel BellSouth Telecommunications Vice President Network-South Area C.J. Sanders and BellSouth Telecommunications General Manager-Human Resources C.L. Cuthbertson, Jr., to Answer Deposition Questions is presently pending before the Commission in Dockets nos. 910163-TL and 920260-TL filed July 2, 1992.

BellSouth's motions in opposition to Citizens' request for
discovery of its four 1991 audits.

Respectfully submitted,

JACK SHREVE
Public Counsel


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

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Attorneys for the Citizens
of the State of Florida

ATTACHMENT A

DEPOSITION TRANSCRIPT OF SHIRLEY T. JOHNSON

**ATTACHMENT B
PRIVILEGE CLAIMS IN SHIRLEY T. JOHNSON'S DEPOSITION**

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ATTACHMENT C
DEPOSITION OF DWANE WARD

**ATTACHMENT D
PRIVILEGE CLAIMS RAISED IN DWANE WARD'S DEPOSITION**

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ATTACHMENT E
PUBLIC COUNSEL'S REQUEST FOR ADMISSION
AND
SOUTHERN BELL'S OBJECTIONS

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

Comprehensive Review of the)
Revenue Requirements and Rate)
Stabilization Plan of Southern)
Bell Telephone & Telegraph Company)
_____)

Docket No. 920260-TL
Filed: June 26, 1992

CITIZENS' FIRST SET OF REQUESTS FOR ADMISSIONS

The Citizens ("Citizens") of the State of Florida, by and through Jack Shreve, Public Counsel, request BellSouth Telecommunications, Inc., d/b/a/ Southern Bell Telephone and Telegraph Company ("BellSouth" or "Company"), pursuant to section 350.0611(1), Florida Statutes (1991), Florida Rule of Civil Procedure 1.370, and Commission Rules 25-22.034 and 25-22.035, to admit the following enumerated matters in writing on or before July 24, 1992 for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at hearing.

STATEMENTS OF FACT

1. On or before June 1991, BellSouth initiated an internal review of allegations of falsification of customer trouble reports by employees throughout its operations in Florida.

2. On or before June 1991, BellSouth initiated a personnel review of higher level managers in Florida and Georgia pertaining to the extent of falsification of customer trouble reports by company employees.

3. As a result of BellSouth's findings from the review conducted, the company disciplined a number of employees found to have falsified customer trouble reports.

4. As a result of BellSouth's findings from the review conducted, the company disciplined a number of employees found to have condoned the falsification of customer trouble reports.

5. As a result of BellSouth's findings from the review conducted, the company terminated a number of employees found to have condoned the falsification of customer trouble reports.

6. As a result of BellSouth's findings from the review conducted, the company terminated a number of employees found to have falsified customer trouble reports.

7. BellSouth took no action against employees found to have falsified customer repair documents, who had retired or were no longer employed by the company as of June 1991.

8. The number of employees listed for discipline in any particular district is not indicative of the extent of the falsification due to employees leaving the Company, transferring to another district or retiring.

9. The number of people listed for discipline in any particular district is not indicative of the extent of the falsification because BellSouth's review committee interviewed a number of employees who reported instances of falsification by others of which they were personally aware, but for which they were not disciplined.

10. BellSouth had approximately 304 management level employees overseeing the handling of customer trouble reports in the installation and maintenance centers (IMCs) in 1991.

11. As a result of BellSouth's internal investigation, over one third of its IMC management personnel were disciplined.

12. As a result of BellSouth's internal investigation, over one fourth of its IMC management personnel were disciplined.

13. As a result of BellSouth's internal investigation, over one fifth of its IMC management personnel were disciplined.

14. The disciplining of employees for falsification of customer records is a business decision.

15. BellSouth instituted a number of changes to its customer trouble reporting, repair and rebate systems based upon the information obtained by the review committee.

16. BellSouth's review uncovered instances of employee falsification of customer trouble reports in North Broward, Ft. Pierce, South Broward, Central Dade, South Dade, North Dade, Miami, West Palm Beach, Gainesville, Jacksonville, and Orlando.

17. BellSouth's review uncovered factual evidence that upper level management knew of employee falsification of customer trouble reports in its Florida operations.

18. BellSouth uncovered factual evidence of falsification of customer trouble reports being used to meet the Florida Public Service Commission [PSC] rule 25-4.110(2), which includes but was not limited to the following:

- a) backing up the clearing time to show a repair cleared within 24 hours;

- b) the improper use of no-access [NAS] intermediate status code to stop the 24 hour repair clock;

- c) the improper use of the carried over no [CON] intermediate status code to stop the 24 hour repair clock;

- d) the misuse of disposition codes for closing customer trouble reports to exclude a trouble report from the PSC repair index;

- e) the closing of trouble reports before the trouble was repaired and reopening them as new reports to avoid exceeding the 24 hour clock;

- f) the statusing of affecting service troubles as out of service to build the out of service base in order to meet the PSC 95% repair completion index;

- g) the misuse of non-regulated wire disposition codes to exclude out of service over 24 hour troubles; and

- h) the use of unassigned or fake employee codes to improperly code customer trouble reports.

19. As a result of employees falsifying customer repair records, customers did not receive rebates that were due and owing under the PSC rules 25-4.110(2) and 25-4.070(1)(b).

20. The extent of employee falsification of customer repair records was motivated by the incentive regulation plan and a bonus pay plan (Key Service Results Indicator results) that was based upon PSC rule performance.

21. BellSouth's 1991 third quarter internal audit of the PSC schedule 11's submitted by the company contains significant adverse findings.

22. BellSouth's 1991 third quarter internal audit of the Mechanized Out of Service Adjustment system [MOOSA] contains significant adverse findings.

23. BellSouth's 1991 third quarter internal audit of the Key Service Results Indicator [KSRI] contains significant adverse findings.

24. BellSouth's 1991 third quarter internal audit of its Loop Maintenance Operations System [LMOS] contains significant adverse findings.

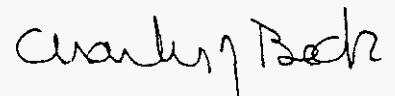
25. BellSouth's third quarter internal audits factually demonstrate that customer repair records were improperly processed by employees.

26. BellSouth's third quarter internal audits factually demonstrate that customer repair records were improperly processed by employees in order to meet the PSC rule requirements.

27. BellSouth's third quarter internal audits factually demonstrate that customer repair records were falsified by employees in order to meet the PSC rule requirements.

28. BellSouth's third quarter internal audits factually demonstrate that if proper processing of customer repair records had been done the company would not have met the PSC rule requirements for completing 95% of out of service troubles within 24 hours.

29. BellSouth's third quarter internal audits factually demonstrate that if proper processing of customer repair records had been done the company would not have met the PSC rule requirements for rebating customers for service outages exceeding 24 hours.



Charles J. Beck
Deputy Public Counsel

CERTIFICATE OF SERVICE
DOCKET NO. 910163-TL

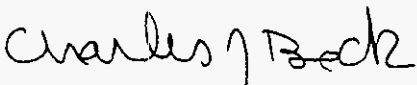
I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following persons on this 26th day of June, 1992.

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Charles J. Beck
Deputy Public Counsel

CERTIFICATE OF SERVICE
DOCKET NO. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 26th day of June, 1992.

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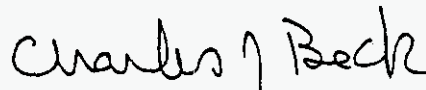
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RECEIVED

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NANCY B. WHITE
General Attorney

AUG 15 1992

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Office of
Public Counselor

FILE COPY

August 21, 1992

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

RE: Docket No. 920260-TL

Dear Mr. Tribble:

On June 26, 1992, Southern Bell was served with a Request for Admissions which was labeled with a double caption, that of Docket No. 910163-TL and that of Docket No. 920260-TL. On July 24, 1992, Southern Bell filed its Responses and Objections to the Request for Admissions, but failed to put both captions on the pleading. Consequently, the responses which were intended to apply and be filed in both dockets were apparently only filed in Docket No. 910163. To correct the administrative record, I have an original and 15 copies of the response with the caption for Docket No. 920260-TL which should be filed in that proceeding.

An additional copy of this pleading for Docket No. 920260-TL is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely yours,

Nancy B. White
Nancy B. White

Enclosures

cc: All Parties of Record
A. M. Lombardo
H. R. Anthony
R. D. Lackey

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of) Docket No. 920260-TL
the Revenue Requirements and Rate)
Stabilization Plan of Southern) Filed: July 24, 1992
Bell Telephone and Telegraph)
Company (Formerly FPSC Docket)
Number 880069-TL))
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S OBJECTIONS
TO PUBLIC COUNSEL'S FIRST SET OF REQUESTS FOR ADMISSION

COMES NOW, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and files, pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.370 of the Florida Rules of Civil Procedure, its Responses and Objections to the Office of Public Counsel's ("Public Counsel") First Set of Requests for Admission dated June 26, 1992.

1. Southern Bell admits Request for Admission No. 1.
2. Southern Bell denies Request for Admission No. 2.
3. Southern Bell admits Request for Admission No. 3.
4. Southern Bell admits Request for Admission No. 4.
5. Southern Bell denies Request for Admission No. 5.
6. Southern Bell denies Request for Admission No. 6.
7. Southern Bell admits Request for Admission No. 7.
8. Southern Bell denies Request for Admission No. 8.
9. Southern Bell does not understand Request for Admission No. 9. and cannot frame a responsive answer. Southern Bell therefore, denies Request for Admission No. 9.
10. Southern Bell admits Request for Admission No. 10.
11. Southern Bell denies Request for Admission No. 11.

12. Southern Bell denies Request for Admission No. 12.
13. Southern Bell denies Request for Admission No. 13.
14. Southern Bell admits Request for Admission No. 14.
15. Southern Bell admits Request for Admission No. 15.
16. Request for Admission No. 16 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.

17. Request for Admission No. 17 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.

18. Request for Admission No. 18 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.

19. To the extent that Request for Admission No. 19 assumes that all falsification of customer repair records resulted in customers being denied rebates to which they were otherwise due, Southern Bell denies Request for Admission No. 19.

20. Request for Admission No. 20 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.

21. Request for Admission No. 21 seeks information upon which the privileges of attorney client communication or attorney

work product or both have been asserted and therefore, Southern Bell will not respond to this request.

22. Request for Admission No. 22 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.

23. Request for Admission No. 23 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.

24. Request for Admission No. 24 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.

25. Request for Admission No. 25 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.

26. Request for Admission No. 26 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.


27. Request for Admission No. 27 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.


28. Request for Admission No. 28 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.

29. Request for Admission No. 29 seeks information upon which the privileges of attorney client communication or attorney work product or both have been asserted and therefore, Southern Bell will not respond to this request.

Respectfully submitted this 24th day of July, 1992.

ATTORNEYS FOR SOUTHERN BELL
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CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been furnished
by United States Mail this 24th day of July, 1992 to:

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

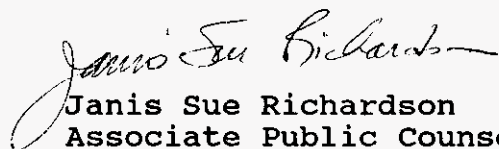
I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following persons on this 12th day of November, 1992.

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& Telegraph Co.)
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