

SIDNEY J. WHITE, JR.
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Southern Bell Telephone
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December 23, 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 December 14, 1992, Southern Bell sent a letter to Mr. Charles J. Beck of the Office of Public Counsel indicating that the Company found no proprietary confidential business in the testimony of Public Counsel's witnesses Kahn, Allen and Brosch. (See attached letter). This letter was inadvertently not served on the other parties in this docket.

Southern Bell indicated in that letter that the Company was giving Public Counsel its consent to serve the above-referenced testimony and exhibits on the other parties in this docket.

By copy of this letter, please be advised that Southern Bell does not consider the testimony or exhibits of Public Counsel's witnesses Kahn, Allen and Brosch to be proprietary in any respect.

Finally, as indicated in the Company's December 14, 1992 letter attached hereto, Southern Bell has taken a different position with respect to the testimony and exhibits of two other proposed Public Counsel witnesses.

Sincerely,



Sidney J. White, Jr.

Enclosures

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

DOCUMENT NUMBER-DATE
14953 DEC 28 1992
FPSC-RECORDS/REPORTING

SIDNEY J. WHITE, JR.
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December 14, 1992

Mr. Charles J. Beck
Deputy Public Counsel
Room 812
111 West Madison Street
Tallahassee, Florida 32399-1400

RE: Docket No. 920260-TL - Confidential Information Contained in Testimony

Dear Charlie:

You called me on December 11, 1992 to inquire about the status of Southern Bell's review of Public Counsel's proposed testimony and exhibits in this case which you filed under confidential cover on November 16, 1992. In this regard, we have completed our review of the testimony and exhibits of witnesses Kahn, Allen and Brosch and have not found that any of these witnesses' testimony or exhibits contain proprietary confidential business information. Consequently, by this letter I am advising you that the above-referenced testimony and exhibits may now be served on the other parties in this docket without special proprietary protections.

Regarding the testimony and exhibits of witnesses Poucher and Cooper, as you know, on November 25, 1992 Southern Bell filed a Motion to Strike these witnesses' testimony and exhibits as inappropriately filed in this docket. I know you are familiar with this motion, so I will not recite its grounds herein. The Commission has not yet ruled on this motion. Also, since there has not yet been a final determination on whether Mr. Poucher's or Mr. Cooper's testimony and exhibits will be allowed in this proceeding, Southern Bell is under no current obligation to file for a permanent protective order relating to such testimony and exhibits. In the event it is determined that any of the subject testimony and exhibits is to be received in this proceeding, Southern Bell will comply with Rule 25-22.006(5)(c), Florida Administrative Code, at that time.

Further, if Southern Bell's Motion to Strike is granted, Public Counsel would then have to decide whether to try to submit any or all of this testimony in other pending Commission

Mr. Charles J. Beck
December 14, 1992
Page Two

dockets. If Public Counsel chooses to resubmit such testimony, then Southern Bell will, of course, comply with the pertinent rules in the context of that proceeding as appropriate.

Consequently, it is Southern Bell's position that until the Commission rules on the Company's pending Motion to Strike, it is premature to specifically address the proprietary information issues relating to Mr. Poucher's and Mr. Cooper's testimony and exhibits.

Finally, inasmuch as documents and other information have been previously produced for Public Counsel in this case subject to various Motions for Temporary Protective Orders, it is incumbent upon Public Counsel to honor these pending motions until the issue of whether the subject testimony and exhibits may be used in this proceeding is resolved. Southern Bell expects Public Counsel to abide by the provisions of Rule 25-22.006, Florida Administrative Code, pending resolution of these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "S. White, Jr.", with a large, stylized flourish underneath.

Sidney J. White, Jr.

CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been furnished
by United States Mail this 23rd day of December, 1992 to:

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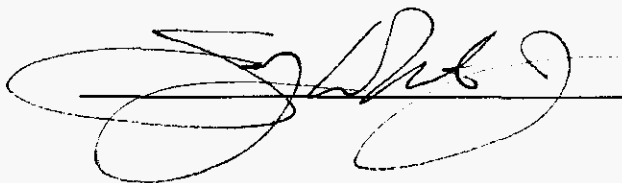
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A handwritten signature in black ink, appearing to be "C. Everett Boyd, Jr.", written over a horizontal line. The signature is stylized and cursive.