

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 920260-TL

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

Docket No. 910163-TL

Show Cause Proceeding Against)
Southern Bell Telephone and)
Telegraph Company for Misbilling)
Customers)
_____)

Docket No. 900960-TL

Investigation into Southern Bell)
Telephone and Telegraph)
Company's Compliance with Rule)
25-4.110(2), F.A.C.)
_____)

Docket No. 910727-TL

Date filed: February 15, 1993

MOTION FOR REVIEW BY THE FULL COMMISSION OF THE
PREHEARING OFFICER'S ORDER REVISING PROCEDURAL SCHEDULE

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, move the full Commission to review order no. PSC-93-0177-PCO-TL issued February 8, 1993.

1. On October 28, 1992 the prehearing officer in docket 910163-TL issued an order on prehearing procedure requiring the Citizens to file direct testimony on February 1, 1993. We moved

for review by the full Commission on November 6, 1992, but the motion for review has not yet been brought before the full Commission for resolution. In that motion we argued, among other things, that we should not be required to file testimony until a period well after numerous pending motions concerning discovery disputes are determined with finality. We also pointed out that orders by the prehearing officer would not necessarily provide a final determination; such orders might then be reviewed by the full Commission and even the courts before complete resolution.

2. On February 4, 1993 the Florida Supreme Court denied a petition for review filed by Southern Bell. Southern Bell had asked the Florida Supreme Court to reverse an order by this Commission requiring Southern Bell to identify those persons known to Southern Bell to have knowledge about falsification of repair records. Now that the Florida Supreme Court has denied Southern Bell's petition, we should soon be receiving this information from Southern Bell. We requested this information from Southern Bell over twenty months ago, and we expect it will be necessary to take depositions from scores of persons after Southern Bell answers these interrogatories.

3. The prehearing officer also recently ordered Southern Bell to produce certain internal audits conducted by Southern Bell, including an audit of the quality of service reports filed at the Commission by Southern Bell. That audit contained significant

adverse findings, and we expect it will provide important information needed to prepare this case. In addition, there are numerous other pending discovery disputes, some pending for many months, that we expect rulings on soon. Southern Bell may seek review of those orders by the full Commission and the courts.

4. Order no. PSC-93-0177-PCO-TL issued February 8, 1993, required us to file direct testimony on February 15, 1993, even though (1) we have not yet received legitimate discovery requested of Southern Bell over twenty months ago, (2) we will need to take scores of depositions after receiving the responses to that discovery served over twenty months ago, (3) we have not received internal audits and related matters requested almost eleven months ago which the prehearing officer recently ordered to be produced, (4) there are still pending discovery disputes, some of which have been pending for many months, and (5) the full Commission has not yet ruled on our request for review filed in November, 1992.

5. We request the full Commission to reverse order no. PSC-93-0177-PCO-TL issued February 8, 1993, and to set the time for us to file testimony a reasonable amount of time after we have received all discovery and have had sufficient time to follow up on that discovery. Southern Bell had the right to request reconsideration and then judicial review of the Commission order directing Southern Bell to identify those persons known to have knowledge about falsification of repair records. Now that we have

a final determination overruling their objections, we should not be prejudiced by the Commission forcing us to file testimony and present our case without that information. Nor should we be prejudiced by other continuing objections by Southern Bell to orders of this Commission by forcing us to present our case while Southern Bell refuses to produce information this Commission has ordered it to produce. The Commission would deny us due process if it requires us to present our case, or to cross-examine Southern Bell's witnesses, without this information.

6. It will be necessary to reset the hearing dates, but new hearing dates will have the beneficial effect of allowing staff auditors to conduct an audit of Southern Bell's affiliate transactions and present the results of that audit to the Commission in this case. Neither of the staff auditors presenting testimony in this case reviewed affiliate transactions; in fact, the scope of the audits they will present to the Commission is qualified because of that scope limitation. Southern Bell delayed staff requests for information about affiliate transactions for months, and their delays and objections were recently reviewed by this Commission. While Southern Bell has a right to make objections, they shouldn't benefit by the delays created by their objections.

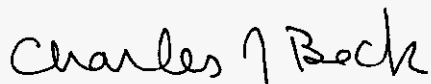
7. No party has the important audit authority only this Commission possesses. The results of the affiliate transaction

audit should be made a part of this case, and a delay in the hearing dates will allow this to happen.

WHEREFORE, the Citizens request the full Commission to reverse order no. PSC-93-0177-PCO-TL issued February 8, 1993, and to set the time for us to file testimony a reasonable amount of time after we have received all discovery and have had sufficient time to follow up on that discovery.

Respectfully submitted,

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**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 15th day of February, 1993.

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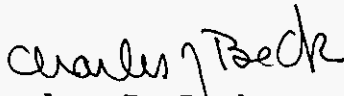
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