



JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400
904-488-9330

February 17, 1993

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

Re: Docket No. ~~920260~~-TL

Dear Mr. Tribble:

Enclosed for filing in the above-referenced docket on behalf of the Citizens of the State of Florida are the original and 15 copies of the Citizens' Motion to Postpone Hearing.

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

Sincerely,

Charles J. Beck
Charles J. Beck
Deputy Public Counsel

Enclosure

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
01866 FEB 17 93
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

THE COPY

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 17, 1993

MOTION TO POSTPONE HEARINGS

To: Chairman Deason and Prehearing Officer Clark

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, respectfully request the Chairman and Prehearing Officer to postpone the hearings presently set for March and April.

1. We request a delay in the hearings set for March and April because we are still awaiting receipt of discovery from

DOCUMENT NUMBER-DATE
01866 FEB 17 93
FPC-RECORDS/REPORTING

Southern Bell. We will not be able to present our case, or cross examine Southern Bell's witnesses, until we have received this pending discovery and have had an opportunity to analyze and follow up on that discovery.

2. Twenty months ago we served interrogatories on Southern Bell requesting the company to identify each person known to Southern Bell having information about falsification of repair records and reports. Southern Bell refused to identify any persons knowledgeable about these areas if Southern Bell learned the identity of a person in the course of an investigation it claimed to be privileged. One order from prehearing officer and two from the full Commission rejected Southern Bell's claim. Southern Bell petitioned the Florida Supreme Court to review the last of those orders issued by the full Commission. On February 4, 1993, the Florida Supreme Court denied their petition by a vote of seven to zero. We expect it will be necessary to take depositions of scores of persons after Southern Bell answers these interrogatories.¹

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

¹ Southern Bell has said that it will attempt to provide its response by the end of this week.

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. We request the Chairman and Prehearing Officer to postpone the hearings set for March and April until we have received the information requested of Southern Bell, have an opportunity to analyze and follow up on that information, and file testimony based on that information and analysis.

5. 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. We believe this information goes to the core of Southern Bell's request for further relaxation of regulation from this Commission.

6. 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 Chairman and Prehearing Officer to postpone the hearings presently set for March and April.

Respectfully submitted,

Jack Shreve
Public Counsel

Charles J. Beck

Charles J. Beck
Deputy Public Counsel

Janis Sue Richardson
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

(904) 488-9330

Attorneys for the Citizens of
the State of Florida

**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 17th day of February, 1993.

Marshall Criser, III
BellSouth Telecommunications,
Inc. (Southern Bell Telephone
& Telegraph Company)
150 S. Monroe St., Suite 400
Tallahassee, FL 32301

Harris B. Anthony
BellSouth Telecommunications,
Inc. (Southern Bell Telephone
& Telegraph Company)
150 W. Flagler St., Suite 1910
Miami, FL 33130

Robin Norton
Division of Communications
Fla. Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

Doug Lackey
BellSouth Telecommunications,
Inc. (Southern Bell Telephone
& Telegraph Company)
4300 Southern Bell Center
Atlanta, GA 30375

Mike Twomey
Department of Legal Affairs
Attorney General
The Capitol Bldg., 16th Floor
Tallahassee, FL 32399-1050

Laura L. Wilson
Messer, Vickers, Caparello,
Madsen & Lewis, P.A.
P.O. Box 1876
Tallahassee, FL 32302-1876

Angela Green
Tracy Hatch
Jean Wilson
Division of Legal Services
Fla. Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

Edward Paschall
Florida AARP Capital City Task
Force
1923 Atapha Nene
Tallahassee, FL 32301

The American Association of
Retired Persons
c/o Bill L. Bryant, Jr.
Foley & Lardner
215 S. Monroe St., Suite 450
P.O. Box 508
Tallahassee, FL 32302-0508

Richard D. Melson
Hopping, Boyd, Green & Sams
23 South Calhoun Street
P.O. Box 6526
Tallahassee, FL 32314

Michael J. Henry
MCI Telecommunications Corp.
MCI Center
Three Ravinia Drive
Atlanta, GA 30346

Lance C. Norris, President
Florida Pay Telephone Assn., Inc.
8130 Baymeadows Circle, West
Suite 202
Jacksonville, FL 32256

Joseph A. McGolthlin
Vicki Gordon Kaufman
McWhirter, Grandoff & Reeves
315 S. Calhoun Street, Suite 716
Tallahassee, FL 32301

Rick Wright
AFAD
Fla. Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

Peter M. Dunbar
Haben, Culpepper, Dunbar
& French, P.A.
306 N. Monroe St.
P.O. Box 10095
Tallahassee, FL 32301

Patrick K. Wiggins
Wiggins & Villacorta, P.A.
P.O. Drawer 1657
Tallahassee, FL 32302

Dan B. Hendrickson
P.O. Box 1201
Tallahassee, FL 32302

Monte Belote
Florida Consumer Action Network
4100 W. Kennedy Blvd., #128
Tampa, FL 33609

Cecil O. Simpson, Jr.
Peter Q. Nyce, Jr.
Regulatory Law Office
Office of the Judge Advocate
General
Department of the Army
901 North Stuart St.
Arlington, VA 22203-1837

Michael Fannon
Cellular One
2735 Capital Circle, NE
Tallahassee, FL 32308

Joseph P. Gillan
J. P. Gillan and Associates
P.O. Box 541038
Orlando, FL 32854-1038

C. Everett Boyd, Jr.
Ervin, Varn, Jacobs, Odom & Ervin
305 S. Gadsden Street
P.O. Drawer 1170
Tallahassee, FL 32302

Chanthina R. Bryant
Sprint
3065 Cumberland Circle
Atlanta, GA 30339


Michael W. Tye
AT&T Communications of the
Southern States, Inc.
106 East College Avenue
Suite 1410
Tallahassee, FL 32301

Florida Hotel and Motel Assn.
c/o Thomas F. Woods
Gatlin, Woods, Carlson
& Cowdery
1709-D Mahan Drive
Tallahassee, FL 32308

Douglas S. Metcalf
Communications Consultants, Inc.
P.O. Box 1148
Winter Park, FL 32790-1148

Benjamin H. Dickens, Jr.
Blooston, Mordkofsky, Jackson
& Dickens
2120 L Street., N.W.
Washington, DC 20037

Floyd R. Self
Messer, Vickers, Caparello,
Lewis, Goldman & Metz, P.A.
P.O. Box 1876
Tallahassee, FL 32302-1876


Charles J. Beck
Deputy Public Counsel