

Commissioners:
J. TERRY DEASON, CHAIRMAN
THOMAS M. BEARD
SUSAN F. CLARK
LUIS J. LAUREDO
JULIA L. JOHNSON

State of Florida



STEVE TRIBBLE, Director
Division of Records and Reporting
(904) 488-8371

Public Service Commission

DATE: March 1, 1993

TO: Parties of Record

FROM: Steve Tribble, Director *ST*
Division of Records and Reporting

RE: Docket No. 910163-TL - Petition on behalf of Citizens of the State of Florida to initiate investigation into integrity of Southern Bell Telephone and Telegraph Company's repair service activities and reports.
Docket No. 920260-TL - Comprehensive review of the revenue requirements and rate stabilization plan of Southern Bell Telephone and Telegraph Company.
Docket No. 900960-TL - Show cause proceedings against southern Bell Telephone and Telegraph Company for misbilling customers.
Docket No. 910727-TL - Investigation into Southern Bell Telephone and Telegraph Company's compliance with Rule 25-4.110(2), F.A.C., Rebates.

This is to inform you that Commissioner Clark has reported the following to this office as a possible ex parte communication in the above referenced dockets.

ACK _____

AFA _____ - Letter from Ms. Janis Sue Richardson, representing the Office of Public Counsel, dated February 25, 1993.

APP _____

CIF _____

CMU _____

CTR _____ This letter, a copy of which is attached, will be made a part of the record in this proceeding and you may file a response to it with this office, within ten days of receipt of this notice.

ETG _____

LEG _____

LHI _____

LHI - ST/cp

OFC _____

RCH _____

SEC / Attachment

WAS _____

OTH *1 ea ST*

DOCUMENT NUMBER-DATE
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*An Affirmative Action/Equal Opportunity Employer 02291 MAR -1 8

FPSC-RECORDS/REPORTING



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: February 25, 1993
TO: Steve Tribble, Director of Records and Reporting
FROM: Susan F. Clark, Commissioner *SFC*
RE: Letter from Ms. Janis Sue Richardson Regarding Docket Nos. 920260-TL, 900960-TL, 910163-TL and 910727-TL

I received the attached letter from Ms. Janis Sue Richardson, representing the Office of Public Counsel, on February 25, 1993, in response to a question raised during the February 23, 1993, Prehearing in the above-referenced consolidated proceedings. Because this letter addresses matters relevant to these proceedings, it is necessary to place this memorandum and attachment on the record pursuant to section 350.042, Florida Statutes. Please give notice of this communication to all parties to the docket and inform them that they have 10 days from receipt of the notice to file a response.

RECEIVED
FEB 26 1993

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DOCUMENT NUMBER-DATE

02291 MAR-18



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 25, 1993

Commissioner Susan Clark
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

Dear Commissioner Clark:

During oral argument on Public Counsel's fourteenth motion to compel BellSouth Telecommunications, Inc. to produce documents it had produced to the attorney general or statewide prosecutor, you asked me whether the grand jury secrecy rule prohibits a witness from revealing his or her testimony after the grand jury adjourns.

My limited research shows that the U.S. Supreme Court has answered this question in Butterworth v. Smith, 110 S. Ct. 1376 (1990). Smith, a reporter who had testified before a grand jury as to his knowledge of wrongdoing by a state attorney's office and sheriff department, sought a declaration that section 905.27, Florida Statutes was an unconstitutional abridgement of his first amendment rights. The Court held "that insofar as the Florida law prohibits a grand jury witness from disclosing his own testimony after the term of the grand jury has ended, it violates the First Amendment to the United States Constitution." Butterworth v. Smith, 110 S. Ct. 1376, 1378 (1990).

It should be noted that the Court limited its holding to a witness's own testimony. Id. at 1380 n.2. It stated that the part of the statute prohibiting a witness from disclosing another witness's testimony remained enforceable. Id. at 1382.

Sincerely,

Janis Sue Richardson,
Associate Public Counsel

cc: Harris Anthony, BellSouth
Michael Twomey, attorney general
Tracy Hatch, PSC legal

DOCUMENT NUMBER-DATE
02291 MAR-1 83
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