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March 11, 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 for Review by the Full Commission of the Prehearing Officer's Order on Oral Motion.

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

- ACK ✓
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- OTH _____

Sincerely,

Charles J. Beck
Deputy Public Counsel

Enclosure

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DOCUMENT NUMBER-DATE
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FPSC-RECORDS/REPORTING

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
Date filed: March 11, 1993

**MOTION FOR REVIEW BY THE FULL COMMISSION
OF THE PREHEARING OFFICER'S ORDER ON ORAL MOTION**

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, move the full Commission to review and reverse order no. PSC-93-0318-PCO-TL issued March 1, 1993.

1. In the original "incentive plan" proceeding a number of parties expressed concern that providing Southern Bell additional incentives to maximize profits might affect quality of service. The Commission addressed this by stating:

"There is a concern that the company might improve earnings over the short run by letting quality of service slip. In order to discourage and detect such actions, our staff will continue its ongoing review of service quality as required by Commission rules and will consider more expanded service audits if any significant slippage in quality is detected. The Commission will be notified if service quality significantly deteriorates during the course of this plan, or if Commission rules concerning service standards are violated. The Commission may then consider imposing a penalty on Southern Bell."
Order 20162 at page 26 (emphasis added).

2. On September 11, 1992 we filed a motion requesting the Commission to order Southern Bell Telephone and Telegraph Company ("Southern Bell") to file sworn testimony in this docket sponsoring its quality of service reports submitted to the Commission since January 1, 1988.

3. Commission rule 25-4.0185 requires Southern Bell to file quarterly reports with this Commission showing whether it is complying with Commission rules governing quality of service. These reports include schedule 11 of form PSC/CMU 28, showing the extent to which the company is complying with Commission quality of service standards.

4. The prehearing officer only partly granted our motion to require sworn testimony by Southern Bell sponsoring its quality of service reports. The prehearing officer orally required Southern Bell to designate a person or persons who could respond to questions regarding the truthfulness of its quality of service reports. In response, Southern Bell designated Mr. Wayne Tubaugh as that person.

5. Mr. Tubaugh is prepared to state that, to his knowledge, the reports are truthful. The problem with his testimony is that he is not in a position to know whether the reports are truthful. The person designated by Southern Bell specifically has not reviewed numerous sources of information bearing on the

truthfulness of these reports. His testimony is therefore worthless and allows Southern Bell to avoid its responsibility to state under oath whether the reports are truthful.

6. Mr. Tubaugh, for example, hasn't read the depositions taken by the Citizens and the staff of this Commission regarding falsification of repair reports. Tubaugh deposition, February 12, 1993, at 5-6. Had he done so, he would have known about some inaccuracies in the reports. Nor has he seen the internal audit prepared by the company concerning its schedule 11 reports. id. Although we have not yet seen that audit, we know that the audit had significant adverse findings. How could Southern Bell legitimately offer a witness to sponsor its quality of service reports when that witness hasn't even seen an audit of those reports containing significant adverse findings?

7. Additionally, Mr. Tubaugh hasn't seen various statements taken by Southern Bell in connection with its investigation of repair activities and reports (id. at 14-18) and hasn't taken any action to confirm or deny statements about the reports contained in the testimony of the Attorney General's witness Mike Maloy (id. at 31).

8. Since Southern Bell's designated witness is incompetent to state whether its quality of service reports are truthful, at a motion hearing held on February 12, 1993, we moved the prehearing

officer to require Southern Bell to file written testimony attesting to the truthfulness (or lack thereof) of its schedule 11 reports. The prehearing officer's order denied that motion.

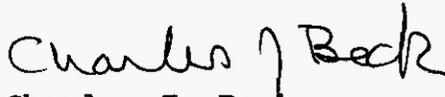
9. The prehearing officer's order allows Southern Bell to avoid its responsibility to tell this Commission under oath whether the reports it submits to this Commission on quality of service are truthful. The prehearing officer states that it is a matter of "burden of proof." The real question, however, is whether this Commission will affirmatively require Southern Bell to file truthful reports.

10. Regulatory reports filed with the Commission are public records. Id. §§ 119.01 & 119.011(1). Schedule 11 reports detailing the customer service quality indicators must be filed with the Commission quarterly. Fla. Admin. Code R. 25-4.0185. Beside the Commission's own responsibility to see that it receives truthful reports, the Commission also has an obligation to see that these records available for public inspection accurately reflect Southern Bell's quality of service. The Commission should order Southern Bell to state under oath whether the reports are truthful and not allow Southern Bell to side step the issue by putting on a witness who is incompetent to state whether or not the reports are truthful.

WHEREFORE, the Citizens request the full Commission to reverse order no. PSC-93-0318PCO-TL issued March 1, 1993, and require Southern Bell to file competent, sworn testimony in this docket attesting to the truthfulness of its quality of service reports submitted to the Commission since January 1, 1988.

Respectfully submitted,

Jack Shreve
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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 11th day of March, 1993.

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