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STATE OF FLORIDA  
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111 West Madison Street  
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Tallahassee, Florida 32399-1400  
904-488-9330

March 25, 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' Response to Southern Bell Telephone and Telegraph Company's Motion for Review of the Order Granting Public Counsel's Motion to Compel.

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

Sincerely,

*Janis Sue Richardson*  
Janis Sue Richardson  
Associate Public Counsel

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG \_\_\_\_\_  
LIN \_\_\_\_\_  
OPC \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC \_\_\_\_\_  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

Enclosure

DOCUMENT NUMBER-DATE  
03302 MAR 25 83  
FPC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the )  
Integrity of Southern Bell's ) Docket No. 910163-TL  
Repair Service Activities and )  
Reports )  
\_\_\_\_\_ )

Comprehensive Review of the ) Docket No. 920260-TL  
Revenue Requirements and Rate )  
Stabilization Plan of Southern )  
Bell Telephone and Telegraph )  
Company )  
\_\_\_\_\_ )

Show Cause Proceeding Against )  
Southern Bell Telephone and ) Docket No. 900960-TL  
Telegraph Company for Misbilling )  
Customers )  
\_\_\_\_\_ )

Investigation into Southern Bell )  
Telephone and Telegraph ) Docket No. 910727-TL  
Company's Compliance with Rule )  
25-4.110(2), F.A.C. )  
\_\_\_\_\_ ) Filed: March 25, 1993

**CITIZENS' RESPONSE TO SOUTHERN BELL TELEPHONE AND TELEGRAPH  
COMPANY'S MOTION FOR REVIEW OF THE ORDER GRANTING PUBLIC  
COUNSEL'S MOTION TO COMPEL**

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this response to BellSouth Telecommunications, Inc. d/b/a/ Southern Bell Telephone and Telegraph Company's ("Southern Bell") request for reconsideration of the prehearing officers' Order No. PSC-93-0334-PCO-TL, which ordered Southern Bell to permit Mr. C.J. Sanders, Vice President Network-South Operations and C.L. Cuthbertson, Jr., General Manager-Human Resources, to answer deposition questions concerning the acts or omissions comprising the basis for employee discipline,

which the company considers privileged. Citizens request this Commission to deny Southern Bell's request for reconsideration and as grounds therefor state the following:

1. Southern Bell requests the full Commission to overturn the prehearing officer's order denying Southern Bell's claim of privilege as its basis for refusing to allow Mr. Sanders and Mr. Cuthbertson to answer Public Counsel's deposition questions. Southern Bell Telephone and Telegraph Company's Motion for Review of the Order Granting Public Counsel's Motion to Compel, Dockets Nos. 910163-TL, 920260-TL, 900960-TL & 910727-TL (Mar. 15, 1993) [hereinafter Southern Bell's Motion].

2. Southern Bell has failed to meet the standard of review of a prehearing officer's order on reconsideration. The standard of review adopted by the Commission requires Southern Bell to demonstrate that the prehearing officer made an error in fact or law in her decision that requires that the full Commission reconsider that decision. See In re: Petition on Behalf of Citizens of the State of Fla. to Initiate Investigation into Integrity of Southern Bell Tel. & Tel. Co.'s Repair Service Activities and Reports, 91 F.P.S.C. 12:286, 287 (1991) (Docket No. 910163-TL, Order No. 25483, which was affirmed by the full Commission on reconsideration in Order No. PSC-92-0339-FOF-TL). The company has failed to show that the prehearing officer erred in her finding that the company's refusal to allow Mr. Sanders and Cuthbertson to

answer deposition questions was improper. As Commissioner Clark has already found the underlying investigative information not to be privileged, then questions concerning the business use of that information are proper. Order Granting Public Counsel's Motions for In Camera Inspection of Documents and Granting Public Counsel's Motions to Compel, Dockets Nos. 920260-TL, 910163-TL, 910727-TL, 900960-TL, 2 (Feb. 23, 1993) (Order No. PSC-93-0294-PCO-TL expressly notes the prehearing officer's rejection of Southern Bell's privilege claim for the witness statements and summaries, which comprise the underlying information) [hereinafter Order No. PSC-93-0294-PCO-TL]; Final Order Denying in Part and Granting in Part Southern Bell Telephone and Telegraph Company's Motion for Review of Order No. PSC-93-0151-CFO-TL, Dockets Nos. 920260-TL, 910163-TL, 910727-TL, 900960-TL, 2 (Feb. 23, 1993) (Order No. PSC-93-0292-FOF-TL affirmed the prehearing officer's determination that the panel recommendations regarding craft discipline and paygrade 5 and below managers was not privileged) [hereinafter Order No. PSC-93-0292-FOF-TL].

3. Southern Bell repeats its arguments for privilege that were addressed fully and denied.<sup>1</sup> To satisfy the standard for

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<sup>1</sup> Order No. PSC-93-0334-PCO-TL; Order Granting Public Counsel's Motions to Compel, Dockets Nos. 910163-TL, 920260-TL, 900960-TL, 910727-TL, Order No. PSC-93-0335-CFO-TL (Mar. 4, 1993) (compelling Dwane Ward to answer deposition questions concerning the specific acts or omissions leading to employee discipline) [hereinafter Order No. PSC-93-0335-CFO-TL]; Order Granting Public Counsel's Motions for In Camera Inspection of Documents and Motions to Compel, Dockets Nos. 910163-TL, 920260-TL, 900960-TL, 910727-TL, Order No. PSC-93-0151-CFO-TL (Jan. 28, 1993)

reconsideration, a motion must bring to the Commission's attention some matter of law or fact which the prehearing officer failed to consider or overlooked in her decision. Diamond Cab Co. of Miami v. King, 146 So. 2d 889 (Fla. 1962); Pingree v. Quaintance, 394 So. 2d 161 (Fla. 1st DCA 1981). The motion may not be used as an opportunity to reargue matters previously considered merely because the losing party disagrees with the judgment or order. Diamond Cab Co., 146 So. 2d at 891. Southern Bell has done just that by simply adopting its arguments in prior motions. Southern Bell's Motion, supra ¶ 5, at 4. These arguments were addressed and disposed of by Commissioner Clark in Order No. PSC-93-0334-PCO-TL. Southern Bell's motion must be summarily denied.

4. Order No. PSC-92-0334-PCO-TL correctly decided that the company's arguments had no merit in fact or law. The prehearing officer determined that since the underlying disciplinary panel recommendations, witness statements and summaries were not privileged under either the attorney-client privilege or the work product doctrine then questions about the facts contained in those documents were not privileged. Order No. PSC-92-0334-PCO-TL. No error of fact or law has been demonstrated to overturn the prehearing officer's order on reconsideration. See Grady v.

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(compelling Southern Bell to produce its five internal audits on its repair and rebate processes) [hereinafter Order No. PSC-93-0151-CFO-TL]; Order Granting Public Counsel's Motion to Compel, Dockets Nos. 910163-TL, 920260-TL, 900960-TL, 910727-TL, Order No. PSC-93-0317-PCO-TL (Mar. 1, 1993) (compelling Southern Bell's chief auditor, Ms. Shirley T. Johnson to answer deposition questions concerning the allegedly privileged audits).

Department of Prof. Reg., Bd. of Cosmetology, 402 So. 2d 438 (Fla. 1st DCA 1981) (holding that agency's interpretation of cosmetology licensing statute to include "esthetic" activities when the statutory wording did not explicitly include them was entitled to great weight and would not be overturned unless clearly erroneous), dismissed, 411 So. 2d 382 (Fla. 1981). Hence, the Commission must affirm Commissioner Clark's prehearing order.

5. To the extent that the Commission on reconsideration reevaluates the parties' original arguments as to whether the underlying disciplinary panel recommendations, witness statements and summaries are privileged, Citizens reiterate their prior arguments and incorporate them herein. Citizens' Response to Southern Bell Telephone and Telegraph Company's Motion for Review of Order Granting Public Counsel's Motion for In Camera Inspection of Documents and Motions to Compel, Dockets Nos. 910163-TL, 920260-TL, 900960-TL, 910727-TL (Feb. 12, 1993) (prehearing officer's order granting discovery was affirmed by the full Commission in Order PSC-93-0151-CFO-TL).

6. To the extent that the Commission on reconsideration reevaluates the parties' original arguments before the prehearing officer as to whether Mr. Sanders or Mr. Cuthbertson may refuse to answer questions under a claim of privilege, Citizens reiterate their prior arguments and incorporate them herein. Citizens' Motion to Compel BellSouth Telecommunications Vice President Network-South

Area C.J. Sanders and BellSouth Telecommunications General Manager-  
Human Resources C.L. Cuthbertson, Jr., to Answer Deposition  
Questions, Dockets Nos. 910163-TL, 920260-TL (July 2, 1992)  
(Exhibit 1: Deposition of Sanders and Cuthbertson) [hereinafter  
Citizens' Motion to Compel Sanders & Cuthbertson]. Since the  
underlying panel recommendations, witness statements and summaries  
are not privileged, Mr. Sanders and Mr. Cuthbertson have no  
privilege to refuse to answer Public Counsel's questions.<sup>2</sup>

7. Even if the underlying panel recommendations, witness  
statements and summaries had not been privileged, Public Counsel's  
questions as to the underlying facts would still have been proper.  
United States v. Pepper's Steel & Alloys, Inc., 132 F.R.D. 695  
(S.D. Fla. 1990). The United States District Court for the  
Southern District of Florida recently dealt with this issue. Id.  
Florida Power & Light [FP&L] deposed U.S. Fidelity and Guaranty's  
[USF&G] supervising examiner for its liability division. Id. at  
697. As liaison to the insurance coverage counsel, the court's

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<sup>2</sup> Southern Bell claims that Mr. Cuthbertson's handwritten  
notes and typed index produced in response to Public Counsel's  
twenty-second request had been "inadvertently" produced and were,  
therefore, still privileged. Southern Bell's Motion, supra ¶ 1,  
at 2 & n.1; Southern Bell Tel. & Tel. Co.'s Request for  
Confidential Classification and Motion for Permanent Protective  
Order, Dockets Nos. 910163-TL, 920260-TL (Sept. 4, 1992). As  
Public Counsel pointed out in its responsive pleading, the  
production was voluntary. Under section 90.507, Florida  
Statutes, any privilege claim to the documents and further  
discovery of the subject matter of those documents has been  
waived. Citizens' Response to Southern Bell's Request for  
Confidential Classification and Motion for Permanent Protective  
Order, ¶ 18, at 12, Dockets Nos. 910163-TL, 920260-TL (Sept. 16,  
1992) (decision pending).

opinion suggests that USF&G's manager had reviewed documents prepared by counsel in preparation for litigation. Id. at 697 & 699. The district court summarized the work product privilege under federal law as encompassing both fact and opinion work product. Id. at 697-99; Fed. R. Civ. P. 26(b)3; accord Fla. R. Civ. P. 1.280(b) (trial preparation materials discoverable on showing of need and inability to obtain substantially equivalent information by other means without undue hardship). The district court concluded that "[f]acts gathered from documents by a party's representative are not protected as 'fact work product.'" Id. at 697. USF&G asserted that the documents reviewed by its manager contained counsel's mental impressions and were thus not discoverable as opinion work product. Id. at 698. The district court stated that this did not "permit a deponent to assert the work product privilege merely because the inquiry involves facts which are contained in those documents." Id. (citing Nutmeg Ins. Co. v. Atwell, Vogel & Sterling, et al., 120 F.R.D. 504, 509 (W.D. La. 1988)).

8. USF&G's counsel had instructed the manager as follows:

I'll allow the witness to answer over my objection, to the extent that the witness can answer and conclude that any other information that you have on this was received not on the basis of working with counsel in connection with this litigation or that you did not obtain this information in respect to the handling of this claim after litigation between Pepper's and USF & G.

If you can make that determination, Mr. Anderson, prior to the institution of this



litigation and, if you make the determination outside of working in connection with litigation either with counsel or with your colleagues at USF & G, then, I'll allow you to answer the question.

Otherwise, I'm going to direct the witness not to answer on the ground that it called for privilege communications.

. . . .

...if you've ever seen a document in connection with your working with counsel on this litigation or if you've seen a document subsequent to the institution of the litigation between Pepper's and USF & G, then, I'll direct you not to answer that.

If you could otherwise separate the information that you obtained in that regard, then, I'll allow you to answer, Mr. Anderson; otherwise, if you can't separate it in your mind or if you conclude that the answer to [opposing counsel's] question was obtained through conversations with counsel or your handling of this litigation, then, I'll direct you not to answer.

Id. at 699 n.2. The district court held that the manager must answer FP&L's questions as "USF&G cannot shield itself from discovery by objecting to all questions which would require the deponent to testify regarding facts learned while reviewing documents selected by USF & G's counsel." Id. at 699.

9. Southern Bell issued similar all-inclusive instructions to Mr. Sanders and Mr. Cuthbertson during Public Counsel's deposition. Citizens' Motion to Compel Sanders & Cuthbertson, supra ¶ 7, at 4-6 (listing of objections by page and line). Mr. Anthony, company counsel, instructed Mr. Cuthbertson as follows:

To the extent that that question calls for information that would be derived from the privileged investigation conducted at Southern Bell, at legal counsel's request, I am going to object, that's privileged. To the extent Mr. Cuthbertson can answer the question to those parts not related to the privilege, he is free to answer.

Citizens' Motion to Compel Sanders/Cuthbertson, supra, Exh. 1: Deposition, at 10-11, ll. 24-5. Excerpted pages of the deposition are appended to this motion as Attachment A.<sup>3</sup> Throughout the deposition, Mr. Anthony repeatedly instructed Mr. Sanders and Mr. Cuthbertson not to answer Public Counsel's questions. For example, when questioned as to the reasons why certain employees had been disciplined, Mr. Anthony objected:

Q: (By MR. BECK): We need to make this very clear. You do have knowledge of the types of actions and omissions by employees of your company that formed the basis for this disciplinary process, is that correct?

A: (By MR. CUTHBERTSON) Yes, I do.

MR. BECK: Now, are you directing --

MR. ANTHONY: I am directing him not to reveal that information insofar as it is based on the investigation.

MR. BECK: So, notwithstanding he knows what these acts and omissions are, he is not going to tell us, based on your direction because they are derived from some investigation you may have conducted?

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<sup>3</sup> The company has requested confidential treatment of a portion of the Sanders/Cuthbertson deposition. Southern Bell Tel. & Tel. Co. Motion for Confidential Treatment and Permanent Protective Order, Dockets Nos. 910163-TL, 920260-TL (Sept. 4, 1992) (Attachment C contains a listing of claimed confidential information by page and line, which begins with page 44).

MR. ANTHONY: Because it is privileged information, his involvement is part of that privilege. And, therefore, it's not within the proper scope of discovery.

MR. BECK: Okay. And you are taking the position, then, that the actual facts themselves, or the actual acts cannot be disclosed if he learned about them from some investigation you may have conducted?

MR. ANTHONY: That's correct.

Id. at 13-14, ll. 7-3 (Sanders/Cuthbertson deposition).

10. Southern Bell, just as USF&G, has attempted to shield itself from discovery by an over-inclusive definition of work product and attorney-client privileges. This it may not do. The privilege was designed to prevent an opposing party from building its case upon the mental efforts of an attorney. See e.g., Surf Drugs, Inc. v. Vermette, 236 So. 2d 108 (Fla. 1970). It was not designed to permit the first party to the scene to gather the evidence and then deny access to the factual evidence under a claim of privilege.<sup>4</sup> As the Supreme Court of Florida noted, the

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<sup>4</sup> An excerpt from a deposition of Mr. Edward Butch Olsen taken by Mr. John Hoag, Assistant Attorney General, indicates that this is precisely what Southern Bell intended. Mr. Olsen states:

I don't even remember who said it, but the company was interviewing a number of key people up and down the coast, securing statements from them and scooping up all that information with the intent, I was told, to call that attorney-client privileged information.

Q: Meaning that -- Was it your understanding then that that information couldn't be given to anyone else?

privilege was never intended to be an all inclusive shield to discovery. Id. at 113.<sup>5</sup> To permit Southern Bell to hide the facts behind broad claims of privilege would impede this Commission's just resolution of this case and nullify its statutory authority to scrutinize a monopoly's service in order to protect the ratepayers from abusive practices.

11. Southern Bell's claim of attorney-client privilege as a basis for instructing Mr. Sanders and Mr. Cuthbertson not to answer Public Counsel's questions, like its work product claim, is without legal foundation. The attorney-client privilege protects communications not facts. Upjohn Co. v. United States, 449 U.S. 383, 395 (1981) (emphasis added). Mr. Sanders and Mr. Cuthbertson do not have any privilege to refuse to provide answers to Public Counsel's fact-finding questions. In re: Six Grand Jury Witnesses,

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A: Yes. That's innuendo on my part. It's an assumption on my part.

Olsen deposition, p. 74, ll. 5-15 (Attachment B).

<sup>5</sup> Quoting 4 Moore, Federal Practice, p. 1435 (1969), the court noted the soundness of this analysis:

In other words, probably by properly phrased interrogatories a party can be required to state the substance of interviews with witnesses, whether obtained by his attorney or by others and whether or not reduced to writing. The party cannot refuse to answer on the ground that he has no personal knowledge of the facts, but must obtain the information from his attorneys or agents.

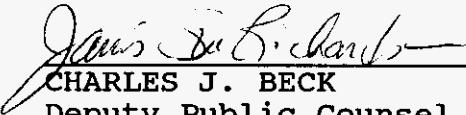
Surf Drugs, Inc. V. Vermette, 236 So. 2d 108, 113 & n.15 (Fla. 1970).

979 F.2d 939, 945 (2d Cir. 1992) (finding that "the underlying information or substance of the communication is not, as appellants incorrectly believe, so privileged").<sup>6</sup>

WHEREFORE, Citizens request this Commission to deny Southern Bell's motion and compel the company to direct Mr. Sanders and Mr. Cuthbertson to answer Public Counsel's questions.

Respectfully submitted,

JACK SHREVE  
Public Counsel

  
\_\_\_\_\_  
CHARLES J. BECK  
Deputy Public Counsel  
JANIS SUE RICHARDSON  
Associate Public Counsel

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Attorneys for the Citizens  
of the State of Florida

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<sup>6</sup> This case came before the second circuit court on an allegation of defrauding the U.S. government on satellite contracts by submitting expense claims containing false statements. *Id.* at 941. The company counsel directed its employees to investigate. *Id.* at 942. The company then directed its employees to assert the attorney-client and work product privileges in refusing to answer grand jury questions. *Id.*

**ATTACHMENT A: EXCERPTS OF SANDERS/CUTHBERTSON DEPOSITION**

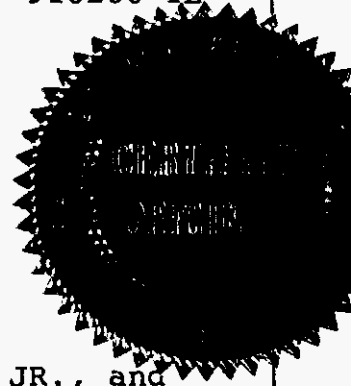
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 910163-TL

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

DOCKET NO. 910260-TL



DEPOSITION OF:

C. L. CUTHBERTSON, JR., and  
C. J. SANDERS

TAKEN AT THE INSTANCE OF:

Office of Public Counsel

DATE:

Wednesday, June 17, 1992

TIME:

Commenced at 8:30 a.m.  
Concluded at 1:00 p.m.

LOCATION:

111 West Madison Street, #812  
Tallahassee, Florida

REPORTED BY:

JANE FAUROT  
Notary Public in and for the  
State of Florida at Large

ACCURATE STENOGRAPHY REPORTERS, INC.  
100 SALEM COURT  
TALLAHASSEE, FLORIDA 32301  
(904) 878-2221

1 A She is Vice President of Human Resources.

2 Q Does she report to you?

3 A No, no, the opposite. She's the, like I say, the  
4 Vice President for Human Resources for the entire company.

5 Q By entire company, you mean BellSouth  
6 Telecommunications?

7 A Yes.

8 Q How many counterparts are there to yourself that  
9 report to Ms. Dunn?

10 A I do not report directly to Ms. Dunn. I report to  
11 Assistant Vice President for Human Resources, Howard Boone.

12 Q And does he in turn report to Ms. Dunn?

13 A Correct.

14 Q And was this memo sent on June 18th, 1991?

15 A I don't recall the exact date, but I am sure it  
16 was sent here that day.

17 Q Your memo discusses a discipline process that was  
18 anticipated for three categories of employees, is that  
19 correct?

20 A Correct.

21 Q Could you tell me, generally, what types of  
22 actions or omissions by employees formed the basis for this  
23 disciplinary process?

24 MR. ANTHONY: To the extent that that question  
25 calls for information that would be derived from the



1 Q So, you know what types of actions or omissions by  
2 your employees that formed the basis for this disciplinary  
3 process, is that correct?

4 A The knowledge that I have is restricted to the  
5 investigative material that was provided to me by the  
6 attorneys.

7 Q We need to make this very clear. You do have  
8 knowledge of the types of actions and omissions by employees  
9 of your company that formed the basis for this disciplinary  
10 process, is that correct?

11 A Yes, I do.

12 MR. BECK: Now, are you directing --

13 MR. ANTHONY: I am directing him not to reveal  
14 that information insofar as it is based on the  
15 investigation.

16 MR. BECK: So, notwithstanding he knows what these  
17 acts and omissions are, he is not going to tell us,  
18 based on your direction because they are derived from  
19 some investigation you may have conducted?

20 MR. ANTHONY: Because it is privileged  
21 information, his involvement is part of that privilege.  
22 And, therefore, it's not within the proper scope of  
23 discovery.

24 MR. BECK: Okay. And you are taking the position,  
25 then, that the actual facts themselves, or the actual

1 acts cannot be disclosed if he learned about them from  
2 some investigation you may have conducted?

3 MR. ANTHONY: That's correct.

4 BY MR. BECK:

5 Q Mr. Cuthbertson, your memo and the three attached  
6 pages describe three different levels of employees, if you  
7 would, that are going to be processed in particular ways, is  
8 that correct?

9 A (By Mr. Cuthbertson) Correct.

10 Q You have one process for craft employees, another  
11 process for Pay Grade 5 and below managers, and yet a third  
12 process for Pay Grade 6 and above managers, is that correct?

13 A That is correct.

14 Q Could you turn to the second page? This generally  
15 describes your disciplinary process for craft employees, is  
16 that correct?

17 A Correct.

18 Q And as I understand it, you had three people  
19 review information regarding craft employees, is that  
20 correct?

21 A Correct.

22 Q That is Dave Mower?

23 A Mower, Dave Mower.

24 Q Mower. Could you tell me who he is?

25 A Dave Mower is the Operations Manager for Human

**ATTACHMENT B: OLSEN DEPOSTION EXCERPT**

SWORN STATEMENT

OF

EDWARD BUTCH OLSEN

**ORIGINAL**

TAKEN IN THE PRESENCE OF JOHN HOAG,  
ASSISTANT ATTORNEY GENERAL, MIKE MALOY, FINANCIAL  
INVESTIGATOR, ALLEN THOMPSON, FDLE AGENT, ROBERT  
SAYLOR, ATTORNEY FOR MR. OLSEN AND JULIE M. ANDRUS,  
CERTIFIED SHORTHAND REPORTER AND NOTARY PUBLIC IN AND  
FOR THE STATE OF FLORIDA AT LARGE, AT ROBERT SAYLOR'S  
OFFICE, 215 5TH STREET, WEST PALM BEACH, FLORIDA, ON  
THE 28TH DAY OF JANUARY, 1992, COMMENCING AT 10:30  
O'CLOCK A.M.

1           A     I don't remember who told me, but I had  
2 heard several months ago that the company was  
3 interviewing a number of people and that's why -  
4 where I pick up the word key.

5                     I don't even remember who said it, but the  
6 company was interviewing a number of key people up  
7 and down the coast, securing statements from them and  
8 scooping up all that information with the intent, I  
9 was told, to call that attorney-client privileged  
10 information.

11           Q     Meaning that -- Was it your understanding  
12 then that that information couldn't be given to  
13 anyone else?

14           A     Yes. That's innuendo on my part. It's an  
15 assumption on my part.

16           Q     Okay. And do you know if they took a  
17 statement from Curtis Guyer?

18           A     I think I heard that they did.

19           Q     Did you hear anything else about what he  
20 said in his statement?

21           A     No. I've not spoken to Curtis since my  
22 dismissal.

23           Q     What was your impression of Curtis?

24           A     Curtis was always highly thought of. As I  
25 said, he spent the majority of his management career,

**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 25th day of March, 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)  
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Miami, FL 33130

Robin Norton  
Division of Communications  
Fla. Public Service Commission  
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Doug Lackey  
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& Telegraph Company)  
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Messer, Vickers, Caparello,  
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Angela Green  
Tracy Hatch  
Jean Wilson  
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Fla. Public Service Commission  
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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  
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Richard D. Melson  
Hopping, Boyd, Green & Sams  
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MCI Telecommunications Corp.  
MCI Center  
Three Ravinia Drive  
Atlanta, GA 30346

Lance C. Norris, President  
Florida Pay Telephone Assn., Inc.  
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Joseph A. McGolthlin  
Vicki Gordon Kaufman  
McWhirter, Grandoff & Reeves  
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Peter M. Dunbar  
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