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April 1, 1993

**ORIGINAL
FILE COPY**

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' Reply Concerning Southern Bell's Motion for a Temporary Protective Order.

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

- ACK
- AFA
- APP
- CAF
- CMU**
- CTR
- EAG
- LEG 1
- LIN 6
- GPC
- RCH 1
- SEC 1
- WAS
- OTH

Sincerely,

Charles J. Beck
Charles J. Beck
Deputy Public Counsel

Enclosure

RECEIVED & FILED

28
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

03619 APR-1 83

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

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

Docket No. 910163-TL
Date filed: April 1, 1993

**CITIZENS' REPLY CONCERNING SOUTHERN
BELL'S MOTION FOR A TEMPORARY PROTECTIVE ORDER**

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this reply to the pleading filed by BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell") on March 23, 1993.

1. On February 26, 1993, Southern Bell filed a motion for a temporary protective order. That motion seeks to exempt from public disclosure Southern Bell's response to the Citizens' third and fifth sets of interrogatories dated June 6, 1991 and June 11, 1991, respectively. On March 10, 1993 the Citizens filed a response in opposition to Southern Bell's motion for a protective order, to which Southern Bell filed a reply on March 23, 1993. This pleading responds to Southern Bell's March 23, 1993 pleading.

2. Southern Bell contends that Commission rule 25-22.006(5)(c) gives it the unfettered right to exempt documents from

public disclosure -- without challenge from any party¹ -- unless we formally notify Southern Bell that we intend to use the documents at a hearing.

3. First, Southern Bell has no such right. If the Citizens believe that Southern Bell makes an improper request to shield documents from public disclosure, we have a right to respond to and oppose the request. Nothing in the Commission's rule prohibits us from opposing such a request.

4. Second, Commission rule 25-22.006(5)(c) states that if information is to be used in a proceeding before the Commission and we so notify the company, the utility must file a specific request for a protective order. In its argument, Southern Bell subtly changes the word "proceeding" to "hearing" in its reference to the rule, but Southern Bell fails to acknowledge or note its interpretive change to the actual wording of the rule. Based on this rewriting of the rule, Southern Bell then concludes that we must notify Southern Bell we will use the information at the trial phase of the proceeding before we may even oppose their unwarranted attempt to exempt documents from public inspection.

5. If the information (not just the document) is to be used in a proceeding and we so notify Southern Bell, the rule requires Southern Bell to file a specific request for a protective order.

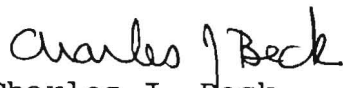
¹ See Southern Bell's pleading dated March 23, 1993 at 4.

It is not necessary that the information be used at a hearing; it is sufficient if the information is to be used in the proceeding².

6. Lest there be any doubt, the Citizens hereby formally notify Southern Bell by this pleading that we intend to use the information contained in their response to our third and fifth sets of interrogatories dated June 6, 1991 and June 11, 1991, in this proceeding.

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
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² Black's Law Dictionary states that the term "proceeding" includes all possible steps in an action from its commencement to the execution of judgment. It includes any application to a court of justice, however made, for aid in the enforcement of rights, for relief, for redress of injuries, for damages, or for any remedial object.

**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 1st day of April, 1993.

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