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June 18, 1993

Mr. Steve C. Tribble
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

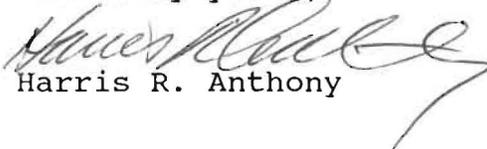
Re: Docket No. 920260-TL

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of the Joint Motion of the Attorney General and Southern Bell Telephone and Telegraph Company for Commissioner Thomas M. Beard to be Recused, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely yours,



Harris R. Anthony

- ADV ✓
- AFB 1
- APP
- CAF
- RMU
- CTR
- EAG
- LEG 1 w/m
- LIN 6
- JPC
- RCH
- SEC 1
- WAS
- WTN

Enclosures

cc: All Parties of Record
A. M. Lombardo
R. Douglas Lackey

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
06572 JUN 18 93
FPSC-RECORDS/REPORTING

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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

Filed: June 18, 1993

**JOINT MOTION OF THE ATTORNEY GENERAL
AND SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY
FOR COMMISSIONER THOMAS M. BEARD TO BE RECUSED**

COME NOW, Attorney General Robert A. Butterworth ("Attorney General") and BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company") and hereby jointly move that Commissioner Thomas M. Beard be recused from participating in the consideration of any Southern Bell matters that may be pending now or in the future before the Florida Public Service Commission (the "Commission"). As grounds for this Motion, the Attorney General and Southern Bell state:

1. It has recently become known to the public that Commissioner Beard has had personal relationships with two employees of Southern Bell while he has been sitting as a Florida Public Service Commissioner. Both Commissioner Beard and the two Southern Bell employees have stated that, during the course of these relationships, they have not engaged in any discussion of any Florida regulatory matters pertaining to Southern Bell. They have also stated that no Southern Bell funds were expended on behalf of Commissioner Beard. Commissioner Beard has further

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indicated that the votes he has cast in issues that would affect Southern Bell have not, in any fashion, been affected by his relationships with these two individuals.

2. Nonetheless, the existence of these relationships has resulted in a significant amount of public controversy over the propriety of Commissioner Beard's participating in decisions involving Southern Bell matters. This controversy has called into question the impartiality of decisions rendered by the Commission. For our form of government to operate effectively, the confidence of the public in its governmental institutions must remain at the highest levels possible. Thus, even the appearance of impropriety by governmental officials must be avoided.

3. In this instance, the perception of the public as to the nature of the relationships between Commissioner Beard and the Southern Bell employees must be recognized and taken into account. That perception, even if based upon a misunderstanding of the facts as set forth by the persons involved, has raised concerns regarding the independence and impartiality of Commissioner Beard relating to Southern Bell matters.

4. Southern Bell maintains that neither the company, its management nor any of its employees has sought to improperly influence, or has improperly influenced, Commissioner Beard. An inquiry by the Office of the Attorney General into Commissioner Beard's relationships with the two Southern Bell employees, and certain related matters, has found no direct evidence to refute the company's assertions. Both the Attorney General and Southern

Bell recognize, however, that whether or not there has been any effort to influence Commissioner Beard's decisions or whether or not Commissioner Beard's votes have actually been influenced by these relationships is not the test by which the public will judge Commissioner Beard's record. Rather, the question that must be addressed is whether or not there has been the appearance of impropriety. It would appear that, based upon the publicity that this matter has generated, the public does question the propriety of Commissioner Beard's conduct. Accordingly, despite the fact that there has been no determination made that Commissioner Beard has been in any way improperly influenced in his capacity as a Commissioner, the Attorney General and Southern Bell believe that it is in the best interest of the public, the Commission, and Commissioner Beard himself, that Commissioner Beard be recused from participating in any Southern Bell matter currently pending before the Commission or that may in the future come before the Commission.

5. Both the Attorney General and Southern Bell recognize that Commissioner Beard's recusal from all Southern Bell matters may create certain administrative difficulties for the Commission. These potential difficulties will be outweighed, though, by the benefits to the public of such action. Public confidence in the fairness and impartiality of its government can only be strengthened and enhanced by Commissioner Beard's recusal. Moreover, any administrative issues that may arise when the Commission is deciding Southern Bell matters will be for a limited duration. Commissioner Beard has already informed

Governor Chiles that he will not seek reappointment upon the expiration of his current term in December of 1993.

6. This Joint Motion shall not be construed as an indication that any of Commissioner Beard's prior votes in Southern Bell matters were improperly influenced by any party to any of those proceedings. Further, this Joint Motion shall not be construed as indicating that Southern Bell has engaged in any wrongdoing or impropriety in this matter.

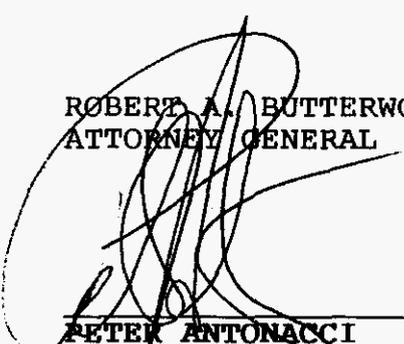
WHEREFORE, the Attorney General and Southern Bell respectfully move that Commissioner Beard be recused from participating in any Southern Bell matter, including but not limited to any votes that the Commission may take in such matters.

Respectfully submitted,

ATTORNEY FOR SOUTHERN BELL
TELEPHONE AND TELEGRAPH
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CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this *18* day of *June*, 1993
to:

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