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STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
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June 22, 1993

Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are the original and 15 copies of the Citizens' 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,

Charles J. Beck
Deputy Public Counsel

ACK _____
AFA 1 _____
APP _____
CAF 1 _____
CMU _____
CTR Enclosure _____
EAG _____
LEG 1 _____
LIN 6 _____
OPC _____
RCH 1 _____
SEC _____
WAS _____
OTH _____

DOCUMENT NUMBER-DATE
06743 JUN 22 83
FPSC-RECORDS/REPORTING

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
Filed June 22, 1993

CITIZENS' MOTION TO COMPEL

The Citizens of Florida, by and through Jack Shreve, Public Counsel, request the prehearing officer to enter an order requiring Annie Bush, an employee of BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone & Telegraph Company ("Southern Bell") to answer deposition questions under oath in Tallahassee, Florida.

1. On June 2, 1993 the Citizens served a notice of deposition upon oral examination on Southern Bell. That pleading included a notice of deposing Southern Bell employee Annie Bush at 8:30 a.m. on Tuesday, June 8, 1993, at Southern Bell's office located at 7900 Mandarin Blvd, Orlando, Florida.

2. At the request of counsel for Ms. Bush, the deposition was rescheduled for the same location on the next day, Wednesday, June 9, 1993.

3. At the deposition on June 9, 1993 counsel for Ms. Bush forbided her to answer any substantive questions. However, neither Ms. Bush nor her counsel raised any claim of privilege.

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4. There is no legal justification for the refusal of Ms. Bush to answer substantive questions without raising a claim of privilege. Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action. Florida Rule of Civil Procedure 1.280(b)(1).¹ Further, counsel for Ms. Bush did not seek a protective order as contemplated by Florida Rule of Civil Procedure 1.280(c).

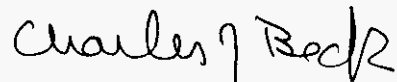
5. The Citizens and the staff of the Commission incurred considerable expense conducting depositions in Orlando at the Southern Bell office where Ms. Bush and other Southern Bell employees work. The Citizens request the prehearing officer to order Southern Bell to produce its employee Annie Bush in Tallahassee, Florida, and to answer deposition questions.

¹ Commission Rule 25-22.034 states that parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure.

WHEREFORE, the Citizens request the prehearing officer to enter an order requiring Annie Bush, an employee of Southern Bell, to answer deposition questions under oath in Tallahassee, Florida.

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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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 22nd day of June, 1993.

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& Telegraph Company)
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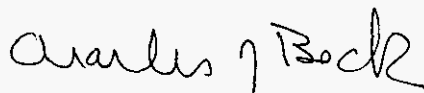
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