

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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COMMUNICATION WORKERS OF AMERICA,  
AFL-CIO, LOCALS 3121, 3122 AND  
3107,

Petitioners,

DOCKET NO. 920260-TL

vs.

FLORIDA PUBLIC SERVICE COMMISSION,

Respondent.

**PETITION ON PROPOSED AGENCY ACTION FOR FORMAL HEARING**

COME NOW the Petitioners, Locals 3121, 3122 and 3107 Communication Workers of America, AFL-CIO ("CWA"), by and through their undersigned counsel, and request a formal proceeding under Fla. Stat. Chapter 120 et. seq. on the Public Service Commission's proposed agency action, and states:

AGENCY

1. This matter concerns proposed agency action of the Public Service Commission regarding the Comprehensive Review of the Revenue Requirement and Rate Stabilization Plan of Southern Bell Telephone and Telegraph Company, Docket No. 920260-TL, Order No. PSC-94-0669-FOF-TL.

2. On June 6, 1994 the Petitioners received a Notice of Proposed Agency Action Reducing Certain Rates from the Clerk of the Public Service Commission (Order No. PSC-94-0669-TL). The Petitioners appeared as interested persons and as such were on the service list.

PETITIONERS

3. The Petitioners are duly organized labor organizations

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which represent some 4,000 Southern Bell employees (almost all of whom are also Southern Bell customers). The Petitioners are represented by the undersigned counsel at the address stated below.

ULTIMATE FACTS

4. On or about January 12, 1994 Southern Bell Telephone and Telegraph Company ("Southern Bell") filed a motion seeking Florida Public Service Commission approval of the Implementation Agreement for Portions of the Unspecified Rate Reductions in the Stipulation and Agreement Between the Office of Public Counsel and Southern Bell.

5. The Commission has approved the joint motion.

6. Pursuant to paragraph four of the Implementation Agreement, the CWA locals, as interested persons, submitted their proposal on how such unspecified reductions should be implemented.

7. The CWA locals proposed that the Commission consider using the \$10 million rate reduction monies to create a committee comprised of PSC appointees, labor representatives and selected citizens to educate the public about the future of technological developments in telecommunications and the potential effect it will have on both services and rates. CWA's request is clearly in the public's interest and reasonably related to the PSC's plenary powers and the intent of the Stipulation and Agreement.

8. A non-evidentiary agenda conference on the CWA locals' proposal was held on May 3, 1994. All proposals other than Southern Bell's alternative plan were rejected by the PSC. It appears that the 1994 \$10 Million in unspecified reduction is scheduled for a July 1, 1994 effective date.

9. However, the PSC was required to hold a hearing on all proposals submitted by interested persons. The PSC illegally refused to do so. The PSC instead tried to use a non-evidentiary agenda conference as a substitute for the hearing required in the settlement. Further, the PSC illegally attempts to use a \$120.57 hearing as a substitute for the required hearing. The required hearing was to precede any Commission action.

10. The Commission's actions in disapproving the CWA proposal and failing to hold a proper hearing violate: Florida Constitution, Florida Statutes, Florida case law, Florida Administrative Code and administrative decisions.

PETITIONERS' SUBSTANTIAL INTERESTS TO BE AFFECTED

BY COMMISSION DETERMINATION

11. The Petitioning CWA locals and their members will suffer substantial injury in fact under the proposed action. (The locals are Southern Bell customers as well). This substantial injury is related to the fact that these rate payors will not receive the rate refund design that is in their best interest. The PSC approved proposal is not the appropriate design.

12. Further, these PSC proposed reductions amount to only pennies per individual consumer in terms of a rate relief. The CWA locals represent some 4,000 Southern Bell employees and rate payors who have a different view on how the rate reduction should be designed. These 4,000 individuals, through the locals, have submitted a proposal that would better utilize the rate relief monies.

DISPUTED ISSUES OF MATERIAL FACT

13. The important disputed issues of material fact concern the following:

a. Whether the PSC held an evidentiary "hearing" on how to allocate the \$10 million rate refund as required by the Stipulation (January 5, 1994) and Implementation Agreement (January 12, 1994) and all related orders?

b. Whether the CWA proposed plan can be implemented so as to not violate all applicable laws?

c. Whether the PSC has the authority to approve the CWA proposal (with or without modifications)?

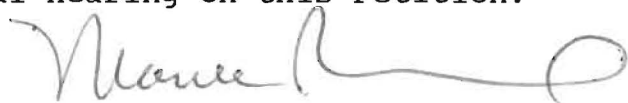
d. Whether the PSC proposed plan is in the best interests of the rate payor?

e. Whether the CWA proposal is in the best interests of the rate payors and should have otherwise been approved?

f. Whether the PSC can legally implement its proposed plan (Company's alternative proposal) given the PSC's refusal to hold an evidentiary hearing?

g. Whether CWA's request for a hearing was premature?

WHEREFORE, CWA prays that the Commission rescind its Proposed Agency Action and conduct an evidentiary hearing de novo; grant the CWA proposal; and hold a formal hearing on this Petition.



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Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing  
Petition on Proposed Agency Action was mailed to those individuals  
named on the attached distribution list on this 22 day of June,  
1994.



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MARK RICHARD, ESQ.

SERVICE LIST

Docket No. 920260-TL  
Docket No. 900960-TL  
Docket No. 910163-TL  
Docket No. 910727-TL

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