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Legal Department

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Southern Bell Telephone  
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(404) 529-5387

August 17, 1994

Mrs. Blanca S. Bayo  
Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

RE: Docket No. 920260-TL

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Motion for Protective Order. Please file these documents 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 on the parties shown on the attached Certificate of Service.

ACK

AFA Jake

APP \_\_\_\_\_

CAF \_\_\_\_\_

GM Norton

CTR Enclosures

EAG cc: All Parties of Record

LEG Natch A. M. Lombardo

LEB 6 R. G. Beatty

LEB 6 R. D. Lackey

QPS \_\_\_\_\_

ROH Kinson

SEC 1

WAS \_\_\_\_\_ RECEIVED & FILED

OTH KS

Sincerely,

*Nancy B. White* (2)  
Nancy B. White

RECEIVED & FILED  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
08404 AUG 17 94  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Comprehensive Review of )  
the Revenue Requirements and Rate )  
Stabilization Plan of Southern )  
Bell Telephone and Telegraph )  
Company )  
\_\_\_\_\_ )

Docket No. 920260-TL  
Filed: August 17, 1994

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
MOTION FOR PROTECTIVE ORDER

COMES NOW, BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell") and, pursuant to Rule 25-22.037 of the Rules of the Florida Public Service Commission ("Commission") and Rule 1.280(c) of the Florida Rules of Civil Procedure, moves the Prehearing Officer to issue a Protective Order preventing the deposition of Mr. Joseph P. Lacher by the Communication Workers of America ("CWA"), or, in the alternative, limiting the scope of the deposition of Mr. Joseph P. Lacher for the reasons set forth below.

1. In connection with the hearing set in the above captioned matter, the CWA has scheduled the deposition of Mr. Joseph P. Lacher, President of Florida - Southern Bell, for August 24, 1994, in Coral Gables, Florida. Mr. Lacher is Southern Bell's chief operating officer for its operations in Florida. As such, his time is subject to many demands both from within and outside the Company. A review of the background of this case, the CWA's Prehearing Statement and the prefiled testimony indicates that Mr. Lacher's deposition has been scheduled merely for purposes of harassment, and that the CWA intends to explore issues that are totally irrelevant to the subject of this docket.

DOCUMENT NUMBER-DATE

08404 AUG 17 94

FPSC-RECORDS/REPORTING

2. The sole factual issue that exists with regard to this matter is the appropriate disbursement of \$10 million in unspecified rate reductions scheduled for 1994, resulting from the Stipulation and Implementation Agreement ("Settlement") entered into by the parties in Docket No. 920260-TL. By Order No. PSC-94-1072-FOF-TL, dated February 11, 1994, the Commission approved the Settlement. This order is a final judgment, upon which all appeal time has run. Thus, any questions concerning the appropriateness of or circumstances surrounding the Settlement are irrelevant to this proceeding. Yet these are the very issues about which Mr. Lacher's knowledge centers. He was not involved in determining the specific rate designs either proposed by Southern Bell or ultimately approved by this Commission. Given Mr. Lacher's position, the demands on his time and his obviously limited knowledge of the facts related to this docket, it would be onerous, burdensome and totally inappropriate to subject him to deposition by the CWA. Courts in Florida have granted protective orders prohibiting the taking of depositions under similar circumstances. Champagne v. Southern Bell Telephone & Telegraph Co., Case No. 90-6603-CIV-Ungaro-Benages (S.D. Fla. 1993) (a copy is attached hereto).

3. In the alternative, the deposition of Mr. Lacher should be limited solely to his knowledge of, if any, of the factual issues related to the \$10 million disbursement. While there are two additional issues listed in this case, they are primarily legal in nature and thus would not be appropriate questions for Mr. Lacher. In any event, the CWA should not be allowed to use

this deposition to go on a fishing expedition into matters which are totally irrelevant to this proceeding. As stated in Rule 1.280 of the Florida Rules of Civil Procedure, discovery is limited to matters which are relevant to the subject matter of the pending action.

Wherefore, Southern Bell requests that the Prehearing Officer issue an Order granting Southern Bell's Motion for Protective Order for the reasons described herein and order that Mr. Lacher's deposition not be taken at all, or, in the alternative, limit the scope of Mr. Lacher's deposition to the subject of the unallocated \$10 million revenue reductions scheduled for and implemented in 1994.

Respectfully submitted this 17th day of August, 1994.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

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CERTIFICATE OF SERVICE

Docket No. 920260-TL

Docket No. 900960-TL

Docket No. 910163-TL

Docket No. 910727-TL

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this 17th day of August, 1994 to:

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*Nancy B. White* (S)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. : 90-5603-CIV-UNQARO-BERAGAS

LEONARD CHAMPAGNE,

Plaintiff,

vs.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY,

Defendant.

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**ORDER**

THIS CAUSE came before the Court on Frank Skinner's Emergency Motion for Protective Order filed on May 3, 1993. Upon review of this motion, plaintiff's response thereto, the Court file and applicable law, it is hereby

ORDERED AND ADJUDGED that this motion is GRANTED at this time and until plaintiff has deposed other employees of defendant, Southern Bell Telephone and Telegraph Company, with more knowledge of the facts relevant to this case. Thereafter, and if the testimony of other employees is unsatisfactory or would indicate that Frank Skinner has information relevant to issues in this case, plaintiff can once again re-notice the deposition of this former

officer of Southern Bell. See BALDER v. The Union Co., 593 F.2d  
643 (5th Cir. 1972); COMMUNITY FEDERAL SAVINGS & LOAN ASSN'S v.  
EBL38, 96 F.R.D. 619 (D.D.C. 1987).

DONE AND ORDERED in Chambers at Miami, Florida, this  
13th day of May, 1993.

  
Ted E. Bandstra  
United States Magistrate Judge

Copies furnished to:

All counsel of record