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ORIGINAL  
FILE COPY

September 19, 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 Response to Communication Workers of America's Motion to Reset Hearing and Motion for Clarification; and Response and Opposition to Communication Workers of America's Motion to Compel. 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.

Sincerely,

*Nancy B. White (BW)*  
Nancy B. White

ACK ✓  
AFA *John* RECEIVED & FILED  
APP *Mrs*  
CIT *Morton* FPSC BUREAU OF RECORDS  
CIT - Enclosures

E *per* All Parties of Record  
L *ATCH* A. M. Lombardo  
6 R. G. Beatty  
R. D. Lackey

*Vinson*

DOCUMENT NUMBER-DATE  
09588 SEP 19 94  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 920260-TL

Filed: September 19, 1994

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
RESPONSE TO COMMUNICATION WORKERS OF AMERICA, AFL-CIO'S  
MOTION TO RESET HEARING AND MOTION FOR CLARIFICATION;  
AND RESPONSE AND OPPOSITION TO COMMUNICATION  
WORKERS OF AMERICA, AFL-CIO'S MOTION TO COMPEL

BellSouth Telecommunications, Inc. d/b/a as Southern Bell Telephone and Telegraph Company, by and through its undersigned counsel, and pursuant to Rule 25-22.037, files this, its Response to Communication Workers of America, AFL-CIO's Motion to Reset Hearing and Motion For Clarification; and Response and Opposition to Communication Workers of America, AFL-CIO's Motion to Compel. In support hereof, Southern Bell shows the Florida Public Service Commission (the "Commission") the following:

1. On September 2, 1994, Locals 3121, 3122, and 3107 Communication Workers of America, AFL-CIO (the "CWA") purported to serve<sup>1</sup> on Southern Bell both a Motion to Reset Hearing and Motion for Clarification (the "Motion to Reset Hearing") and a Motion to Compel. In the Motion to Reset Hearing, the CWA asks that the Commission reset the hearing in this matter and "enter an order clarifying the Public Service Commission's position on discovery matters." Id. at 2. Southern Bell has no objection to

<sup>1</sup> Although the certificates of service attached to both the CWA's Motion to Reset Hearing and Motion for Clarification and the Motion to Compel showed a service date of September 2, 1994, the envelope in which these motions were mailed to Southern Bell's counsel shows a postmark of September 9, 1994.

DOCUMENT NUMBER-DATE

09588 SEP 19 94

FPSC-RECORDS/REPORTING

and, indeed, endorses the prompt rescheduling of the hearings in this docket. Southern Bell, however, cannot respond to the CWA's request for an order clarifying the Public Service Commission's position on discovery matters, since it does not understand the relief sought by the CWA. Southern Bell therefore takes the position that, on the basis of the current records, the Motion to Clarify should be denied. Southern Bell would also note for the record that, contrary to the CWA's claim, it has provided all appropriate discovery to the CWA. For example, Southern Bell has produced numerous documents in response to the CWA's Request for Production of Documents dated August 11, 1994. In any event, Southern Bell certainly does not object to the Commission's ruling on pending discovery issues.

2. With regard to the CWA's Motion to Compel dated September 2, 1994, it once again raises the same issues it has argued in various other motions. For the very same reasons previously set forth by Southern Bell, the CWA's Motion to Compel should also be denied.

3. First, CWA's renewed claim that it has been prevented "from any discovery" is simply incorrect. As noted above, Southern Bell has responded to CWA's Request for Production and has provided all documents in its possession, with the exception of those in the public record, relating to the disposition of the \$10 million at issue. The remainder of the documents sought are neither relevant, nor reasonably calculated to lead to the discovery of information relevant to the issues in this docket.

Therefore, this aspect of the Motion to Compel should be denied.

4. Further, Southern Bell has previously objected to the deposition of Joseph P. Lacher, Southern Bell's State President-Florida, on the bases that Mr. Lacher's knowledge of facts pertinent to the issues in this case is limited, his schedule is very tight, and there are others available to be deposed whose knowledge of relevant facts is far greater. The CWA's continued insistence on deposing Mr. Lacher rather than such other persons fully demonstrates that the CWA's true interest is not discovery, but rather is harassment. The Motion to Compel Mr. Lacher's deposition should thus be denied for the reasons already articulated by Southern Bell.

Wherefore, for the reasons set forth above, Southern Bell respectfully submits that the CWA's Motion to Reset Hearing and Motion for Clarification should be denied in part and CWA's Motion to Compel should be denied in its entirety.

Respectfully submitted this 19th day of September, 1994.

SOUTHERN BELL TELEPHONE  
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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 19th day of September, 1994  
to:

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